

PROPOSED AGENDA ITEMS
Pacific Fishery Management Council
 DoubleTree Hotel - Columbia River
 1401 N Hayden Island Drive
 Portland, OR 97217
 (503) 283-2111
 March 5 - 9, 2001

MARCH COUNCIL MEETING AGENDA SUMMARY

Monday (March 5)	Tuesday (March 6)	Wednesday (March 7)	Thursday (March 8)	Friday (March 9)
No Council Session	Salmon	Closed Executive Session	Highly Migratory Species	Administrative Matters
	Habitat	Groundfish		Salmon
	4 p.m. Open Comment Period (For Items <u>Not</u> on the Agenda)	Salmon	Pacific Halibut	
Ancillary meetings of advisory subpanels, technical teams, subcommittees, etc. begin Monday (see last page of detailed Council agenda daily schedule)				

Notice to Public

Please note the actual order and timing of agenda items may vary somewhat from the proposed agenda. For example, items not completed on the scheduled day will be carried over to the next day and items may be moved to an earlier time than shown on this proposed agenda. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, issues not contained in this agenda may come before this Council for discussion. However, such issues may not be the subject of formal Council action during this meeting unless they are emergency in nature and are declared such with justification on the meeting record. Formal Council action will be restricted to those non-emergency issues specifically identified as **action items** in the agenda. Public comments on items not on the agenda will be accepted at 4 p.m. on Tuesday.

To present verbal testimony at this meeting, please complete a registration card and specify the agenda item on which you wish to speak. Cards are available at the entry desk inside the Council meeting room. After public comment begins on each agenda item, additional cards will not be accepted on that item. Verbal testimony is limited to five minutes for individuals and ten minutes for groups or individuals representing organizations. Please identify yourself and whom you represent at the beginning of your testimony.

Written comments or materials received at the Council Office by February 28, 2001 will be included in the materials distributed to the Council for consideration at this meeting. Comments received by February 19 will be mailed to Council members prior to the meeting. **After February 28, it is the submitter's responsibility to provide Council staff with an adequate number of copies to assure coverage of the Council (a minimum of 40 copies).**

Financial interest statements for the appointed Council members are available for inspection at the documents table in the Riverview Ballroom.

DETAILED COUNCIL MEETING AGENDA

MONDAY, MARCH 5 THROUGH FRIDAY MARCH 9, 2001

ANCILLARY SESSIONS

Various technical and administrative committees, advisory entities, work groups, and state delegations will meet throughout the week. See the ANCILLARY MEETING schedule at the end of this agenda for a complete listing of these meetings.

TUESDAY, MARCH 6, 2001

8 A.M.
GENERAL SESSION
Riverview Ballroom

A. Call to Order

1. Opening Remarks, Introductions Jim Lone
2. Roll Call
3. Executive Director's Report Don McIsaac
4. **Council Action:** Approve Agenda
5. **Council Action:** Approve September and November Minutes Jim Lone

B. Salmon Management

1. Report on Federal Regulation Implementation Bill Robinson
 - a. National Marine Fisheries Service (NMFS) Report
 - b. Council Discussion
2. Review of 2000 Fisheries and Summary of 2001 Stock Abundance Estimates Dell Simmons
 - a. Report of the Salmon Technical Team (STT)
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comments
 - d. Council Discussion
3. Inseason Management Recommendations for Openings Prior to May 1 Oregon John Coon
Burnie Bohn
 - a. Agendum Overview
 - b. Oregon Department of Fish and Wildlife Recommendations
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. **Council Action:** Advise NMFS of Recommended Inseason Management Prior to May 1
4. Identification of Management Objectives and Preliminary Definition of 2001 Options John Coon
Burnie Bohn, Jim Harp
Mary Ellen Mueller
Bob Treanor
Bill Robinson
Jim Harp
P. Anderson, J. Mallet, B. Bohn, LB Boydston
 - a. Agendum Overview
 - b. Report from the Pacific Salmon Commission
 - c. Report of the Klamath Fishery Management Council (KFMC)
 - d. Report of the California Fish and Game Commission
 - e. NMFS Recommendations
 - f. Tribal Recommendations
 - g. State Recommendations
 - h. Reports and Comments of Advisory Bodies
 - i. Public Comments
 - j. Council Recommended Options for STT Collation and Description

C. Habitat Issues

1. Ongoing and New Habitat Issues
 - a. Agendum Overview
 - b. Report of the Habitat Steering Group (HSG)
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comments
 - f. **Council Action:** Consider HSG Recommendations

Chuck Tracy
Michele Robinson

PUBLIC COMMENT PERIOD
4 P.M.

Public comments on fishery issues not on the agenda are accepted at this time.

WEDNESDAY, MARCH 7, 2001

8 A.M.

CLOSED SESSION

(Closed to all except Council members, their designees, and others designated by the Chair to discuss litigation and personnel matters.)

Riverview Ballroom

9:30 A.M.

GENERAL SESSION

Riverview Ballroom

A. Call to Order

Jim Lone

6. Commencing Remarks

Don McIsaac

D. Groundfish Management

1. Status of NMFS Research Programs and Other Nonregulatory Activities
 - a. NMFS Report
 - b. Council Discussion
2. Exempted Fishing Permit Applications
 - a. Agendum Overview
 - b. NMFS Report
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. **Council Action:** Recommendations to NMFS on Research and Other Exempted Fishing Permit Applications
3. Future Groundfish Management Process and Schedule
 - a. Agendum Overview
 - b. Report of the Ad Hoc Groundfish Management Process Committee (GMPC)
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. **Council Action:** Consider GMPC Recommendations
4. Implementation of the Groundfish Strategic Plan
 - a. Agendum Overview
 - b. Report of the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC)
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. Council Guidance Regarding Recommendations of the SPOC

Bill Robinson

Jim Glock
Cyreis Schmitt

Dan Waldeck
Don McIsaac

Dan Waldeck

Dave Hanson

- 5. Groundfish Informational Reports
 - a. Agendum Overview
 - b. Canary Rockfish Incidental Catch Review
 - c. Bycatch Excluder Devices in the Pink Shrimp Fishery
 - d. Observer Program
 - e. Scientific and Statistical Committee Report on Rebuilding Plan Terms of Reference
 - f. Reports and Comments from Advisory Bodies
 - g. Public Comments
 - h. Council Discussion

Jim Glock
 Jim Glock, Brian Culver
 Dave Hanson
 Rick Methot
 Steve Ralston

B. Salmon Management, (continued)

- 5. Progress Report on the Queets Coho Overfishing Status Review
 - a. Agendum Overview
 - b. Report of the Washington Tribal and State Workgroup
 - c. HSG Review of Habitat Considerations
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comments
 - f. Council Guidance
- 6. Update on Snake River Spring Chinook Salmon Recovery
 - a. Idaho Department of Fish and Game Report
 - b. Reports and Comments of Advisory Bodies
 - c. Public Comments
 - d. Council Discussion
- 7. Council Recommendations for 2001 Management Option Analysis
 - a. Agendum Overview
 - b. Report of the STT
 - c. KFMC Comments
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comments
 - f. Council Direction

John Coon
 Phil Anderson, Jim Harp
 Michele Robinson

Bert Bowler

John Coon
 Dell Simmons
 Mary Ellen Mueller

THURSDAY, MARCH 8, 2001

8 A.M.
GENERAL SESSION
Riverview Ballroom

A. Call to Order

Jim Lone

- 7. Commencing Remarks

Don McIsaac

E. Highly Migratory Species Management

- 1. International Highly Migratory Species (HMS) Discussions and Actions
 - a. NMFS Report
 - b. Council Discussion
- 2. First Draft of the HMS Fishery Management Plan
 - a. Agendum Overview
 - b. Domestic Legal Context
 - c. Report of the Plan Development Team
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comments
 - f. Council Guidance in Finalizing Public Review Draft

Svein Fougner

Dan Waldeck
 Svein Fougner
 Steve Crooke, Dale Squires

F. Pacific Halibut Management

1. Halibut Informational Reports
 - a. Status of Implementation of Council Recommendations Bill Robinson
 - b. Results of the International Pacific Halibut Commission Annual Meeting Jim Lone
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. Council Discussion
2. Proposed 2001 Incidental Catch Regulations for the Troll Salmon Fishery and Sablefish Longline Fishery North of Point Chehalis
 - a. Agendum Overview John Coon
 - b. State Proposals for the Salmon Troll Fishery
 - c. State Proposals for the Sablefish Longline Fishery
 - d. Tribal Comments
 - e. Reports and Comments of Advisory Bodies
 - f. Public Comments
 - g. **Council Action:** Adopt Proposed 2001 Incidental Halibut Catch Regulations

FRIDAY, MARCH 9, 2001

8 A.M.
GENERAL SESSION
Riverview Ballroom

- A. Call to Order** Jim Lone
8. Commencing Remarks Don Mclsaac
- G. Administrative and Other Matters**
1. Status of Legislation Dave Hanson
 2. **Council Action:** Appointments of Remaining Vacancies to Advisory Bodies for 2001 Through 2003 Jim Lone
 3. **Council Action:** April 2001 Council Meeting Agenda Don Mclsaac
 4. Council Staff Workload Priorities Don Mclsaac
- B. Salmon Management, (continued)**
8. Appointment of Officers for March Salmon Hearings
 - a. Agendum Overview John Coon
 - b. **Council Action:** Appoint Hearings Officers Jim Lone
 9. Adoption of 2001 Management Options for Public Review
 - a. Agendum Overview John Coon
 - b. Report of the STT Dell Simmons
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comments
 - e. **Council Action:** Adopt Management Options for Public Review
- A. ADJOURN** Jim Lone

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, MARCH 4, 2001

Klamath Fishery Management Council	2 p.m.	Rogue Room
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MONDAY, MARCH 5, 2001

Council Secretariat	7 a.m.	Wallowa Room
Scientific and Statistical Committee	8 a.m.	Deschutes Room
Salmon Advisory Subpanel	8 a.m.	Umatilla Room
Salmon Technical Team	8 a.m.	Tualatin Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical Groups	8 a.m.	Santiam Room
Washington State Delegation	8 a.m.	Yakima Room
Habitat Steering Group	9 a.m.	Nehalem Room
Strategic Plan Oversight Committee	10 a.m.	Nestucca Room
Klamath Fishery Management Council	As Needed	Rogue Room

TUESDAY, MARCH 6, 2001

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Scientific and Statistical Committee	8 a.m.	Deschutes Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical Groups	8 a.m.	Santiam Room
Highly Migratory Species Advisory Subpanel	10:30 a.m.	Nehalem Room
Enforcement Consultants	5:30 p.m.	Umpqua Room
Klamath Fishery Management Council	As Needed	Rogue Room
Salmon Advisory Subpanel	As Needed	Umatilla Room
Salmon Technical Team	As Needed	Tualatin Room

WEDNESDAY, MARCH 7, 2001

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Highly Migratory Species Advisory Subpanel	8 a.m.	Nehalem Room

SCHEDULE OF ANCILLARY MEETINGS

WEDNESDAY, MARCH 7, 2001, (continued)

Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical Groups	8 a.m.	Santiam Room
Enforcement Consultants	As Needed	Umpqua Room
Klamath Fishery Management Council	As Needed	Rogue Room
Salmon Technical Team	As Needed	Tualatin Room
Salmon Advisory Subpanel	As Needed	Umatilla Room

THURSDAY, MARCH 8, 2001

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical Groups	8 a.m.	Santiam Room
Enforcement Consultants	As Needed	Umpqua Room
Klamath Fishery Management Council	As Needed	Rogue Room
Salmon Technical Team	As Needed	Tualatin Room
Salmon Advisory Subpanel	As Needed	Umatilla Room

FRIDAY, MARCH 9, 2001

Council Secretariat	7 a.m.	Wallowa Room
California State Delegation	7 a.m.	Umatilla Room
Oregon State Delegation	7 a.m.	Deschutes Room
Washington State Delegation	7 a.m.	Yakima Room
Coastal Pelagic Species Advisory Subpanel/Coastal Pelagic Species Management Team	8 a.m.	Deschutes Room
Tribal Policy Group	8 a.m.	Wilson Room
Tribal/Washington Technical Groups	8 a.m.	Santiam Room
Salmon Advisory Subpanel	As Needed	Umatilla Room
Salmon Technical Team	As Needed	Tualatin Room

PFMC
02/09/01

Motion #7
 1st Jerry Mallett
 2nd Ralph Brown
 passed

DRAFT MINUTES
Pacific Fishery Management Council
 September 11-15, 2000

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A. Call to Order

A.2. Opening Remarks, Introductions

Chairman Jim Lone opened the 155th meeting of the Pacific Fishery Management Council at 9:07 a.m. Mr. Bert Bowler was introduced as representing Idaho as Mr. Jerry Mallet has retired. He congratulated the Council members who were reappointed, as well as new Council member Mr. Don Hansen.

A.2. Council Member Appointments

Mr. Bill Robinson, National Marine Fisheries Service (NMFS) had the honor of appointing Mr. Donald K. Hansen as a new member of the Council. Mr. Hansen's term will expire on August 10, 2003.

A.3. Roll Call

Dr. Don McIsaac called the roll.

Voting Members

Mr. Bob Alverson
Mr. Phil Anderson
Mr. Jack Barraclough
Mr. Burnell Bohn
Mr. LB Boydston
Mr. Ralph Brown
Mr. Jim Caito
Mr. Robert Fletcher
Mr. Jim Harp
Mr. Jim Lone
Mr. Jerry Mallet
Dr. Hans Radtke
Mr. William Robinson
Mr. Roger Thomas

Non-Voting Members

Mr. Dave Gaudet
Dr. Dave Hanson
Mr. Tim Roth
CDR Ted Lindstrom

Members Absent

Mr. Stetson Tinkham

A.4. Executive Director's Report

Dr. McIsaac noted that the November Council meeting will be held at a new location. It will not be held at the Columbia River Doubletree Hotel, but instead at the Inn at the Quay, Vancouver, Washington. There will be a flyer distributed to Council family and public announcing the location change. Dr. McIsaac noted there are several workload issues such as marine reserves phase II, the strategic plan or other initiatives. On Friday under administrative matters, there will be additional discussion on workload. He also commented that Wednesday's agenda could be extremely full as we are looking at the strategic plan. The highly migratory species agenda is on the same day of that afternoon. There will be adjustments made that day in order to accommodate the highly migratory species (HMS) schedule.

He also noted the possibility of the stock assessment briefing, there was a briefing yesterday at 2:30 p.m. and were looking at having another briefing after Council adjourns for the day.

A.5. Status of Federal Regulation Implementation

Mr. Robinson reported that Amendment 14 to the fishery management plan for salmon comment period is over, and a final approval decision is expected on or before September 27th.

A.6. Council Action: Approve Agenda

The proposed agenda was approved with no changes (Motion 1).

A.7. Council Action: Approve April and June 2000 Minutes

The April and June 2000 minutes were approved with the following corrections (Motion 2):

For the April minutes, page 24, item D.12.f., fourth paragraph states that Mr. Brown did not support the motion, but he in fact did. On page 41, under Agenda Item C.4.c. Mr. Harp noted the paragraph which states "Tulalip tribes met with the...." should be reworded to say "the Tulalip tribes hosted a meeting of the tribal and states managers". Also, in the April voting log, the second sentence in motion 29 should read "May 1 thru June 30, and a 5,500 chinook subquota.....".

For the June minutes, page 27 says Mr. Brown disagreed with Mr. Anderson, but he did agree with Mr. Anderson on the issue. Mr. Robinson noted that on page 56, it reads "Mr. Fougner directed the CPSMT to review..." the word "directed" should be changed to say "requested". Motion 2 passed.

B. Marine Reserves

B.1. Marine Reserves Phase I Considerations Report

B.1.a. Agendum Overview

Mr. Seger ran through the list of documents pertinent to this agenda item.

B.1.b. Report and Comments of Advisory Bodies

HSG

Ms. Michele Robinson read the reports of the Habitat Steering Group (HSG).

The Habitat Steering Group (HSG) strongly supports the conclusions contained in the technical analysis and the recommendations of the Ad Hoc Marine Reserve Committee. To that end, the HSG recommends the Council proceed to Phase II.

The Habitat Steering Group (HSG) recognizes the need for a coordinating body to assist the Council in the development of Phase II. We recognize the budgetary and staff constraints the Council faces in moving forward. Therefore, the HSG discussed on Monday how best to assist the Council given these limitations. The different tasks identified by the group that need to be coordinated include:

- *Coordinating a science panel to help develop siting criteria.*
- *Coordinating stakeholder participation.*
- *Analyzing socioeconomic impacts.*
- *Integrating other state and federal marine reserve processes into the Council process.*

These tasks can be accomplished through concurrent processes, which need to be coordinated. The coordination responsibility would be limited to identifying the tasks to be accomplished, recommending to the Council the appropriate entity to accomplish the tasks, tracking the progress of those assignments, and keeping the Council updated.

The HSG is willing to accept this responsibility to assist the Council in proceeding with Phase II. To fulfill this responsibility the HSG would require dedicated resources (i.e., funding) for additional meetings and participants (for expertise purposes) as necessary.

GAP

Mr. Mark Cedergreen read the report on behalf of the Groundfish Advisory Subpanel (GAP).

The Groundfish Advisory Subpanel (GAP) had an extensive discussion on how, where, and why marine reserves should be used, the extent of knowledge regarding marine reserves and their benefits, and the costs reserves may impose on fishermen, processors, and local communities. The GAP agreed the Council needs to examine the number and extent of areas not being actively fished for various reasons in order to determine whether they meet - in whole or in part - any Council goals on establishing marine reserves. Several GAP members emphasized the effect that establishing reserves will have on participants in the fisheries, including seafood processors, and pointed out the cumulative impact of reserve establishment, changes in harvest policy, and reductions in allowable harvest will be devastating to participants in the fisheries. GAP members pointed out the restrictions on harvest of shelf species are already creating de facto marine reserves in continental shelf areas.

A majority of the GAP believes - prior to establishing marine reserves - a capacity reduction and an individual quota program must be put in place in order to reduce economic disruption. The Council should take whatever actions are appropriate to obtain funding for a capacity reduction program.

A minority of the GAP agrees capacity reduction is important, but these programs should be coordinated with establishment of marine reserves in order to avoid delaying the benefits to fisheries and habitat that accrue from having reserves.

B.1.c. Public Comment

Ms. Jennifer Bloeser, Center for Marine Conservation, Arcata, California
Mr. Richard Charter, Environmental Defense & Natural Resource Defense Council, Bodega Bay, California
Mr. Dave Bitts, PCFFA, Eureka, California
Mr. Jim Welter, Klamath Fishery Management Coalition, Brookings, Oregon
Mr. Sean Hasting, NOAA Channel Islands National Marine Sanctuary, Santa Barbara, California

B.1.d. Council Action: Finding on Application as a Management Tool

Mr. Anderson extended his thanks for the work of the ad hoc marine reserve committee and his appreciation for the public comment on this issue. Other Council members agreed. Based on the committee's work, the public comment and the Council's deliberations, Mr. Anderson thought it overwhelmingly apparent that marine reserves should have a role in managing West Coast fisheries. He moved that the Council include marine reserves as a management tool for West Coast groundfish fisheries. Seconded by Patty Wolf. On questioning of his intent, Mr. Anderson said that based on a preliminary evaluation marine reserves should be utilized as a management tool for the Council. He also stated that the motion did not include the adoption of an option within the report. The motion is to move forward in evaluating how the tool can be used. Additional supporting technical analysis will be needed in the next phase. Mr. Coenen agreed with Mr. Anderson and noted that by moving to Phase II, the Council is not adopting something that is definitive, but is adopting concepts. Ms. Wolf supported the motion, California is already involved in marine reserves. She stated that it is important that the ad-hoc strategic plan committee strongly supported the use of marine reserves. Motion 3 passed.

B.2. Marine Reserves Phase II Considerations

B.2.a. Agendum Overview

Mr. Seger reviewed the situation paper, the proposed Council action and presented some alternative ways of proceeding with Phase II.

B.2.b. Report and Comments of Advisory Bodies

HSG

Ms. Michele Robinson read the report of the HSG.

Phase I

The Habitat Steering Group (HSG) strongly supports the conclusions contained in the technical analysis and the recommendations of the Ad Hoc Marine Reserve Committee. To that end, the HSG recommends the Council proceed to Phase II.

Phase II

The Habitat Steering Group (HSG) recognizes the need for a coordinating body to assist the Council in the development of Phase II. We recognize the budgetary and staff constraints the Council faces in moving forward. Therefore, the HSG discussed on Monday how best to assist the Council given these limitations. The different tasks identified by the group that need to be coordinated include:

- *Coordinating a science panel to help develop siting criteria.*
- *Coordinating stakeholder participation.*
- *Analyzing socioeconomic impacts.*
- *Integrating other state and federal marine reserve processes into the Council process.*

These tasks can be accomplished through concurrent processes, which need to be coordinated. The coordination responsibility would be limited to identifying the tasks to be accomplished, recommending to the Council the appropriate entity to accomplish the tasks, tracking the progress of those assignments, and keeping the Council updated.

The HSG is willing to accept this responsibility to assist the Council in proceeding with Phase II. To fulfill this responsibility the HSG would require dedicated resources (i.e., funding) for additional meetings and participants (for expertise purposes) as necessary.

GAP

Mr. Mark Cedergreen presented the report of the GAP.

The Groundfish Advisory Subpanel (GAP) had an extensive discussion on how, where, and why marine reserves should be used, the extent of knowledge regarding marine reserves and their benefits, and the costs reserves may impose on fishermen, processors, and local communities. The GAP agreed the Council needs to examine the number and extent of areas not being actively fished for various reasons in order to determine whether they meet - in whole or in part - any Council goals on establishing marine reserves. Several GAP members emphasized the effect that establishing reserves will have on participants in the fisheries, including seafood processors, and pointed out the cumulative impact of reserve establishment, changes in harvest policy, and reductions in allowable harvest will be devastating to participants in the fisheries. GAP members pointed out the restrictions on harvest of shelf species are already creating de facto marine reserves in continental shelf areas.

A majority of the GAP believes - prior to establishing marine reserves - a capacity reduction and an individual quota program must be put in place in order to reduce economic disruption. The Council should take whatever actions are appropriate to obtain funding for a capacity reduction program.

A minority of the GAP agrees capacity reduction is important, but these programs should be coordinated with establishment of marine reserves in order to avoid delaying the benefits to fisheries and habitat that accrue from having reserves.

SAS

Mr. Mark Cedergreen said that the SAS comments are the same as the last meeting in June. Their position is still the same as it has been on the concept and development of marine reserves.

B.2.c. Public Comment

Ms. Karen Garrison, Natural Resource Defense Council, San Francisco, California
Mr. Sean Hastings, NOAA Channel Islands National Marine Sanctuary, Santa Barbara, California
Mr. Dave Bitts, PCFFA, San Francisco, California
Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. Zeke Grader, PCFFA, San Francisco, California

B.2.d. Council Action: Decide If and How to Proceed with Marine Reserve Implementation

Mr. Anderson noted multiple issues that would be considered in Phase II, and that Phase II should not proceed in isolation from the various objectives of the strategic plan. Priorities for proceeding with Phase II should be set in the context of other strategic plan priorities, if the strategic plan is adopted. He noted the proposal by the HSG would assist the Council in a subsequent meetings to decide on how to proceed with Phase II (the four bullets on the HSG report) and prioritize work on Phase II. He feels the Council needs to have the lead in developing marine reserves (as noted by public testimony). On the idea of selecting an option from the Phase I technical report, he feels that the objectives should drive the selection of options. He believed that Option 1 would not accomplish the objectives already adopted in the Phase I document. Options 2, 3a and 3b, seem to be more likely to address those objectives. He is not prepared to select an option at this time and was interested in the opinion of others. Other Council members concurred that it would be appropriate for the Council to take the lead.

Dr. Hanson expressed concerned that over half of the HSG are primarily concerned with salmon and commented on the need for more groundfish focus.

Mr. Coenen stated that the work product proposed by the HSG should be used as a scoping document and be available to the strategic plan implementation committee.

Mr. Robinson commented on the need to work with the National Marine Fisheries Service (NMFS) science centers in developing the report recommended by the HSG. Mr. Alverson commented that those core people involved in the rebuilding plans should also be involved in this effort. He suggested the involvement of the groups developing rebuilding plans. Mr. Anderson commented that the HSG recommendation was to develop task lists but that others might carry out those tasks.

Ms. Wolf agreed that the HSG would be an appropriate body to develop some recommendations on a process and added that they should identify some of the resources needed to handle the workload. She also commented that advantage should be taken of some other scientists who are working on the same issues (i.e. COMPASS and groups working on the Channel Island reserves). Ms. Wolf commented further that with the exception of Option I, she did not feel that any of the options should be excluded.

Dr. McIsaac noted that the Council had not discussed a role for the ad-hoc marine reserve committee. He suggested that a subgroup of the strategic plan committee think about the process. There is also the issue of funding and workload. He noted some different approaches using a higher level Council committee and commented that reactivating the ad hoc marine reserve committee or putting additional workload on the HSG may not be the most efficient approach.

Mr. Coenen commented that the committee of Council members is more able to deal with items such as permit stacking etc.; but marine reserves is new territory, and that he would like an assessment of the tasks involved, who would do them, and how much they might costs. Then the implementation committee could decide which items could be done and what could not. Mr. Coenen moved to request a report from a derivative from HSG and the ad-hoc marine reserves committee and in that report identify the work tasks required to carry out the project, and, if the Council adopts the strategic plan and forms an implementation committee, have those two

groups come together to put together an assessment report with the appropriate priorities identified. Mr. Anderson seconded the motion. (Motion 4)

Mr. Anderson asked Chairman Lone to talk with the Chair and Vice-Chair of the HSG to determine membership for the committee. Mr. Coenen stated that he expected the ad-hoc group to meet before the implementation committee. Motion 4 passed.

C. Habitat Issues

Ms. Fran Recht gave an agenda overview.

C.1. Endangered Species Act and Essential Fish Habitat Requirements in Regard to Klamath River Flows

Ms. Recht stated that this agenda item was scheduled at the request of California Department of Fish and Game (CDFG) due to recent confusion about the procedures for essential fish habitat (EFH) and Endangered Species Act (ESA) consultations. The issue is especially important in its application to requirements for adequate fish flows on the Klamath River.

Mr. Svein Fougner explained the basics of and differences between EFH and ESA consultation procedures. He noted that any council or NMFS could write to a federal agency with concerns about impacts on EFH, and that agency must respond in writing to the concern. However, the NMFS or Council recommendations are non-binding. NMFS has developed guidelines for EFH applications which are on the NMFS homepage. With respect to the ESA, NMFS lists species as threatened or endangered, and identifies critical habitat for those species. An agency must consult with NMFS if there is conflict. With respect to critical habitat, adverse effects can be construed as a take of species which can be limited and permitted by an incidental take statement with mandatory terms and conditions. Consultations for EFH may be independent of the ESA if it does not affect endangered species.

Mr. Boydston stated that the EFH consultation process is new and NMFS is just learning how to fully implement it. He noted that NMFS prepared comments citing both EFH and ESA concerns for a screening project on the San Joaquin River. He encouraged the South West Region to fully utilize the power of both consultation processes in the same manner to ensure adequate flows for salmon in the Klamath Basin. He requested the HSG review the EFH guidelines in our FMPs and ensure they fully implement the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Mr. Fougner stated that NMFS was willing and eager to work with the Council on any recommended improvements or changes to the procedures.

Public Comment

Mr. Keith Wilkinson expressed concern about the Jetty Creek diversion and other flow issues controlled by the Bureau of Reclamation in the Klamath Basin. He urged NMFS to adequately address these issues to protect anadromous fish.

C.2. Report of the Habitat Steering Group (HSG)

Ms. Michele Robinson and Ms. Jennifer Bloeser presented Exhibit C.2, Supplemental HSG Report.

The Habitat Steering Group (HSG) met on Monday, September 11 and recommends the Council take action on the following item.

Heceta Bank Research

The HSG received a presentation on Heceta Bank research activities from Ms. Jennifer Bloeser, Pacific Marine Conservation Council. There is a two-year field effort designed to answer the following questions, (1) At what scales are there quantifiable relationships between groundfish population and

seafloor morphology/texture?, (2) What changes have occurred in the fish populations at Heceta Bank after a decade?, and (3) What is the character of and what is the extent of natural refugia? The first part of this research was completed in June and a brief summary was presented to the Council at the June 2000 meeting.

The HSG has a draft letter of support for Council consideration (Exhibit C.2) directed to the current funder of the cooperative research taking place on Heceta Bank, the National Undersea Research Program, and would assist in obtaining future funding for this type of research. This mode of research will assist the Council in accomplishing the goals of the groundfish strategic plan as outlined in the letter.

In addition, the HSG discussed the following issues:

Kelp Management

At its request, the HSG received a presentation on kelp management issues from California Department of Fish and Game (CDFG) and the Monterey Bay National Marine Sanctuary. Kelp has been identified as an essential habitat for a number of Council-managed species. Giant kelp (*Macrocystis*) in particular, has a narrow temperature tolerance range and is sensitive to turbidity. There are 74 square miles of kelp beds off California -- approximately 1/3 of these are leased for harvest (primarily south of Pt. Conception) and 50% of the remaining 2/3 are open to harvest. The CDFG is in the process of updating its kelp management plan for 2000-2005. The HSG plans to receive periodic updates on kelp management issues.

Marine and Estuarine Expansion of the California Wildlife Habitat System

The HSG received a presentation from CDFG on the addition of marine and estuarine habitat types to the California Wildlife Habitat Relationship system. This database could assist the Council in managing fish species by identifying and describing the species/habitat associations. The HSG has members on the core group for this project who will keep the HSG informed of its progress.

Essential Fish Habitat (EFH) Guidelines

At the request of a Council member the HSG will review the EFH mandates contained in the Magnuson-Stevens Act and the EFH guidelines on the NMFS Northwest Region website for consistency. We will report to the Council on our preliminary findings at the November meeting.

Communication Partnership for Science and the Sea (Compass)

COMPASS is a partnership of the Monterey Bay Aquarium, Island Press, and SEAWEB advised by a science panel chaired by Jane Lubchenco, Oregon State University. A meeting was held August 27-30 in Monterey to discuss the development of marine reserves on the West Coast. There was interest expressed among the scientific committee to develop criteria for siting reserves on the West Coast. The HSG recommends the Council receive a presentation on the COMPASS process at its November meeting.

The HSG also received updates on Klamath flow issues and the San Francisco airport expansion.

C.2.a. Report and Comments of Advisory Bodies

None.

C.2.b. Public Comment

None.

C.2.c. Council Action: Consider HSG Recommendations

The Council agreed to send the proposed letter concerning research in the Heceta Bank area with some minor editing by Mr. Lone (Motion 5). Mr. Boydston suggested the HSG schedule the review of EFH procedures for the March meeting. Motion 5 passed.

D. Pacific Halibut Management

D.1. Status of 2000 Fisheries

Ms. Yvonne deReynier provided a preliminary report to the Council which summarized the harvest in the 2000 Pacific halibut fisheries in Area 2A.

D.1.a. Report and Comments of Advisory Bodies

None.

D.1.b. Public Comment

None.

D.2. Status of Bycatch Estimate

D.2.a. Report and Comments of Advisory Bodies

Ms. Cyreis Schmitt briefed the Council on halibut bycatch estimates as provided in Exhibit D.2, Supplemental NMFS/ODFW Bycatch Report below:

A series of analyses have been conducted with the objective of estimating halibut bycatch in the bottom trawl fishery for groundfish and shrimp off the west coast. Halibut bycatch was estimated for 1987, 1992 and 1995. New estimates are calculated for 1998 and an estimate for halibut bycatch for Oregon trawl fisheries in 1999.

Bottom Trawl Fishery for Groundfish

EDCP Method

A new method was utilized to estimate the 1998 halibut bycatch in the bottom trawl fisheries for groundfish. This method, termed "EDCP Method", utilizes new data on encounter rates and halibut size (weight and % legal size) collected during the voluntary observer program (Enhanced Data Collection Program) off Oregon and Washington in 1995-1998. The EDCP data contain observations for 1,744 tows. The EDCP encounter rates were stratified by season, depth, latitude, and catch of arrowtooth flounder. The average weight of halibut and the percentage of legal-sized fish were also estimated for each of these strata in the EDCP data.

Table 1. Estimated 1998 halibut bycatch in the bottom trawl fishery for groundfish in IPHC Area 2A, and estimated 1999 halibut bycatch in the bottom trawl fishery for Oregon.

<i>Year/ Area</i>	<i>Bottom Trawl Effort (Hours)</i>	<i>Estimated Halibut Bycatch (Number)</i>	<i>Estimated Halibut Bycatch (Round, Kilograms)</i>	<i>Bycatch Mortality of Legal Size (Number)</i>	<i>Bycatch Mortality of Legal Size (Round, Kilograms)</i>
<i>98 OR</i>	<i>76,870</i>	<i>83,025</i>	<i>683,272</i>	<i>11,696</i>	<i>107,328</i>
<i>98 WA</i>	<i>51,672</i>	<i>204,588</i>	<i>1,474,913</i>	<i>19,358</i>	<i>151,973</i>

98 TOT	128,542	287,612	2,158,185	31,053	259,301
99 OR	69,276	88,383	726,841	11,754	107,152

Shrimp Trawl Fishery

Three estimates of halibut bycatch in 1998 for PSMFC areas 2B-3C were produced by ODFW staff.

Methods

The three bycatch estimates were based on three different data sources: 1) bycatch rates observed during 128 tows by Pikitch, et al., during 1985-87; 2) control net catch rates from 166 tows observed by Hannah, et al. (1996); and 3) data compiled from shrimp fishing trips observed during 1996-99 by the EDCP, combined with control net catches from ODFW research charters during the same time period (for a total of 203 observed tows).

The approximate number of tows in the 1998 Oregon shrimp fishery was over 10,000. The halibut bycatch estimates for this fishery are based on expanding the encounter rates (pounds of halibut per single-rig equivalent hour) by the effort expended by vessels landing shrimp in Oregon ports only. Bycatch from vessels landing shrimp into Washington ports is not included.

The estimates are not stratified by depth because the depth range of the shrimp fishery is very restricted and the amount of data is very limited.

Table 2. Estimated 1998 halibut bycatch in the shrimp trawl fishery in areas 2B-3C.

Data Source	Single-rig Equivalent Hours (sreh) Observed	Bycatch Rate (lbs/sreh)	Fishing Effort (sreh) in Oregon Landings	Bycatch Estimate (Round, kg)	Bycatch Mortality (Round, kg)
Pikitch (1)	---	1.22	34,543	19,155	9,578
Hannah (2)	236.5	2.60	34,543	40,824	20,412
EDCP (3)	551.1	2.12	34,543	33,287	16,644

Ms. Schmitt reported that 1999 data for Washington will be added to the revised report which will be prepared for the International Pacific Halibut Commission (IPHC). She noted that the numbers assume a 50% mortality of halibut caught and released.

SSC

Dr. Gary Stauffer read the report of the SSC.

At the June meeting, the Scientific and Statistical Committee (SSC) raised a number of issues concerning the definition of strata for a new estimator of Pacific halibut bycatch mortality that is being developed by the National Marine Fisheries Service Northwest Fisheries Science Center. In particular, the definition of latitudinal, depth, and seasonal strata boundaries was discussed, as was the association of halibut with arrowtooth flounder. As a followup to those concerns, the SSC was briefed by Ms. Cyreis Schmitt and Mr. Mark Saelens, who together described the current status of halibut bycatch estimation in Area 2A of the groundfish trawl fishery. In addition, they provided documentation of the rationale behind the use of specific boundaries to categorize the data into homogeneous strata. The SSC was in agreement that sufficient thought had gone into the analysis following their presentation. In particular, Mr. John Wallace provided a written point-by-point explanation for the various boundary selections that were used. In finalizing the analysis the SSC recommends that care be exercised in conversions between (1) round and net weight, (2) legal and

sublegal fish, and (3) pounds to kilograms. The SSC looks forward to examining the final bycatch mortality estimates, which should be available at the November meeting.

D.2.b. Public Comment

None.

D.2.c. Council Guidance

Mr. Anderson and Mr. Lone expressed concerned that the final bycatch estimates may be presented to the IPHC prior to any further review. They noted the SSC statement recommended that care be exercised between round and net weight, pounds to kilograms, etc. Apparently, the SSC has some concerns since they are offering precautionary statements.

Ms. Schmitt agreed to have a conference call with key Council, SSC, and tribal representatives to review the final report prior to the November Council meeting and submission to the IPHC.

D.3. Proposed Changes to the Catch Sharing Plan and Annual Regulations

D.3.a. Agendum Overview

Dr. Coon provided the Council with an overview of the documents covering this issue. He noted that each September the Council considers proposed changes to the halibut regulations.

D.3.b. State Proposals

WDFW

Mr. Anderson referred the Council to Supplemental Washington Department of Fish and Wildlife (WDFW) Report, Exhibit D.3.b. which contains proposals that are a product of two meetings with industry representatives. Mr. Anderson noted that the Washington troll representatives have also worked with the Oregon troll representatives on this proposal.

The Washington Department of Fish and Wildlife recommends that the following changes to the Pacific Halibut Catch Sharing Plan for Area 2A to be distributed for public review:

(e) NON-Indian COMMERCIAL FISHERIES

(1) Incidental halibut catch in the salmon troll fishery

Add sentence to end: "The primary management objective for this fishery is to harvest the troll quota as an incidental catch during the May/June salmon troll fishery. The secondary management objective is to harvest the remaining troll quota as an incidental catch during the July, August, and September salmon troll fishery."

(ii) (A)

Change last sentence: "In determining whether to make such inseason adjustments, NMFS will consult with the applicable state representative(s) ~~on the Halibut Managers Group~~, a representative of the Council's Salmon Advisory Sub-Panel, and Council staff."

(iii)

Delete this sentence: "If the quota for this fishery is not harvested during the May/June salmon troll fishery, the IPHC will move any remaining quota from this fishery to the directed halibut fishery on July 1."

(iv)

Change this section to: "If the overall quota for the non-Indian commercial fishery has not been harvested by July 31 and the quota for the salmon troll fishery was not harvested during the May/June fishery, landings of halibut caught incidentally during salmon troll fisheries will be allowed effective ~~August~~ July 1 and will continue ~~(while additional directed fishery openings are set to harvest all of the remaining commercial allocation)~~ until the amount of halibut that was initially available as quota for the troll fishery is taken or the overall non-Indian commercial quota is estimated to have been achieved by the IPHC. Landing restrictions implemented for the May/June salmon troll fishery will apply to this reopening of the fishery. Notice of the ~~August~~ July opening of this fishery will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No halibut retention in the salmon troll fishery will be allowed in ~~August~~ July unless the ~~August~~ July opening has been announced on the NMFS hotline."

(f) SPORT FISHERIES

(ii) Washington north coast subarea

Change 4th sentence and delete 5th sentence: "The fishery ~~opens on May 1~~ will open in May and continues 5 days per week (Tuesday through Saturday). ~~If May 1 falls on a Sunday or Monday, the fishery will open on the following Tuesday.~~"

(iii) Washington south coast subarea

Change 4th sentence and delete 5th sentence: "The fishery will open ~~on May 1~~ in May. ~~If May 1 falls on a Friday or Saturday, the fishery will open on the following Sunday.~~"

Change 7th sentence: "The fishery will continue until September 30, or until ~~1,000 lb (454 kg)~~ the quota is achieved, whichever occurs first."

Change the 8th sentence and delete the last two sentences: "~~Immediately following this closure, Subsequent to this closure, if any remaining quota is insufficient for an offshore fishery, but is sufficient for a nearshore fishery (e.g., > 500 lbs.), the area from the Queets River south to 47°00'00"N. lat. and east of 124°40'00"W. long. will reopen for 7 days per week until either the remaining subarea quota is estimated to have been taken and the season is closed by the IPHC, or until September 30, whichever occurs first. The daily bag limit is one halibut per person, with no size limit. Sport fishing for halibut is prohibited in the area within a rectangle defined by these four corners: 47°16'00"N. lat., 124°53'00"W. long.; 47°19'00"N. lat., 124°48'00"W. long.; 47°16'00"N. lat., 124°53'00"W. long.; 47°16'00"N. lat., 124°48'00"W. long. If a decision is made in season to open this closed area to sport fishing for halibut, that decision will become effective upon announcement on the NMFS halibut hotline, at (206) 526-6667 or (800) 662-9825.~~"

ODFW

Mr. Bohn summarized Supplemental ODFW Report, Exhibit D.3.b. The bottom line is that Oregon proposes no changes to the catch sharing plan:

The Oregon Department of Fish and Wildlife held a public meeting on August 28, 2000 to discuss proposed changes to the Pacific Halibut Catch Sharing Plan for Oregon fisheries. Several issues submitted by anglers were discussed without consensus support. The participants expressed frustration at the annual process where they reshape the Oregon recreational fishery. They concluded that it is time to request additional allocation to the Oregon recreational fishery, as the annual Cape Falcon to Humbug Mountain all-depth fishery has been reduced to just a few days. Both economic and safety concerns were identified. Although the group would prefer an overall increase to the area 2A allowable catch, their second choice was a reallocation between areas 2A-1 and 2A-2 reflecting the relative abundance amongst the two subareas. The third choice was a reallocation from

the area 2A-2 non-treaty commercial fishery to the recreational fishery. The final proposal from participating anglers was to retain the present allocation to the commercial troll salmon fishery, but transfer the directed non-treaty commercial fishery allocation to the Oregon recreational fishery.

The Oregon Department of Fish and Wildlife, based on the results of the public meeting, proposes no change to the catch-sharing plan for 2001. A change in allocation first requires review and direction by the Oregon Fish and Wildlife (OFWC) Commission. There is insufficient time to review this issue with the OFWC prior to the September Pacific Fisheries Management Council meeting.

The following proposals for the 2001 Oregon recreational halibut fishery were discussed without consensus support at the meeting:

1. *Combine May all-depth fisheries Cape Falcon to Florence and Florence to Humbug Mountain into one quota fishery.*
2. *Create separate all-depth quotas for charter and private vessels split 50/50.*
3. *Create separate port quotas.*
4. *Split the Columbia River area quota into two quotas, one for Washington and one for Oregon.*
5. *Structure all-depth fisheries to occur on weekends.*
6. *Allow boats to catch halibut in closed areas as long as they are landed into open ports.*
7. *Allocate annual recreational halibut harvest in a similar manner to the "controlled hunt" process where tags are allocated based on a draw.*

D.3.c. Tribal Comments

Mr. Harp noted that the tribes proposed no changes to the catch sharing plan as it relates to the tribal fisheries (35% of the total allowable catch [TAC], plus the 25,000 pound adjustment provided by the U.S. District Court).

D.3.d. Report and Comments of Advisory Bodies

None.

D.3.e. Public Comment

Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington

D.3.f. Council Action: Adopt Proposed Changes for Public Review

The Council adopted for public review the recommendations of WDFW as presented in Exhibit D.3.b, Supplemental WDFW Report, September 2000. (Motion 6 by Mr. Anderson; seconded by Mr. Alverson)

[Dr. McIsaac noted earlier today that we were going to have a stock assessment briefing this evening, but that will not occur. There were logistic problems and it could compromise the SSC's schedule. We will just continue with our regular agenda today.]

E. Salmon Management

E.1. Sequence of Events and Status of Fisheries

Dr. John Coon provided a brief summary of management actions since the last Council meeting and noted that the sequence of events (Exhibit E.1, Supplemental Attachment 1) will not be available until the November meeting.

Messrs. Doug Milward, Curt Melcher, and Alan Grover presented landings data for each of the three states as summarized in Exhibit E.1, Supplemental STT Report.

E.1.a. Public Comment

None.

E.1.b. Council Discussion

None.

E.2. Preliminary Report of the Oregon Coastal Natural Coho Work Group

E.2.a. Agendum Overview

Dr. Coon provided a brief background of the review effort and presented Mr. Sam Sharr.

E.2.b. Report by Work Group Leader

Mr. Sam Sharr used a Power Point presentation to summarize the preliminary draft report of the Oregon coastal natural coho work group (Exhibit E.2.b, Supplemental Work Group Report). The *Discussion* section of the report is provided below:

Parental spawner and marine survival data provide no evidence that recovery or rebuilding of OCN coho populations is imminent. The data strongly suggest that those populations may presently be particularly vulnerable to all fishing and non-fishing related impacts. Near term Council management of ocean fisheries will likely continue to be constrained to areas of the management matrix defined by very low parental spawner abundance and marine survival. The SSC and the IMST have expressed particularly strong concerns about the scientific justification for decision criteria and allowable impact rates when parental spawner abundance and marine survival are low. Under those conditions measurement imprecision for modeling parameters exacerbates uncertainties about predicted population responses.

Plan Amendment 13 represents a very conservative and precautionary approach to managing OCN coho that differs significantly from management under previous amendments to the FMP. The management matrix in Amendment 13 is designed to achieve impact rates; not escapement goals and trigger points in the matrix are based upon observed parental spawner performance and indicators of marine survival rather than on inaccurate and imprecise pre-season forecasts. Management is also based upon the parental spawner status of subaggregates and major basins hence provide protection for the weakest stocks in the overall OCN aggregate.

While the STT, SSC, and IMST have acknowledged the obvious precautionary measures that have been incorporated into the management matrix in Amendment 13, they have still expressed concerns about the effectiveness of the matrix in managing OCN populations when either spawner abundance or marine survival are very low. The Council has used discretionary authority to keep fishery related impacts on OCN coho to levels well below the maximum allowable under the existing matrix. However, there is no explicit link between either the allowable impacts in the matrix or the more conservative Council approved impact rates and population production models for OCN populations that have been experiencing both poor marine survival and "Very Low" or "Critical" spawner abundance.

The newly proposed matrix in general describes OCN coho in three states of recovery:

- 1. A population, which fails to replace itself, even in the absence of fishery impacts. The population is in this state when it is in the "Critical" parental spawner category.*
- 2. A population that stabilizes at approximately 50% of full seeding. This occurs when marine survival is "Extremely Low".*
- 3. A population in recovery that is increasing or is at maximum productive capacity. This state encompasses all of the cells defined the intersection of the "Low", "Medium", and "High" marine survival categories and for all parental spawner categories greater than "Critical".*

The upper bounds for the "Critical" spawner abundance and "Extremely Low" marine survival categories are explicitly defined by results from stochastic and deterministic forms of the Nickelson and Lawson model and the intersection of these two categories is the anchor for the rest of the matrix.

By definition, there should be no allowable fishery related impacts when a population is in the "Critical" state of spawner abundance. Model results indicate that any loss of spawning potential for OCN coho at his low level results in a significant increase in the risk of extinction as a result of density dependent demographic effects. We have defined the parental spawner status of a subaggregate as being "Critical" if the status of at least one major basin within the subaggregate is "Critical". Therefore, since the categories in the matrix are defined by the status of the weakest subaggregate, if the status of the population in a major basin is "Critical" the parental spawner status in the matrix is defined as "Critical".

The second state describes a population that is stable but not in recovery and fishery impacts when the population is in this state should be minimized at a very low level. In the previous matrix the Council was given the discretion of maintaining fishery impacts at some level less than 10-13% when the population was in this state. The new matrix limits fishery impacts in this category to 7% regardless of spawner abundance. Modeling results indicate that at a 7% impact rate the population can at least replace itself when marine survival is "Extremely Low" and parental spawners are "Very Low". Limiting fishery impacts to 7% when marine survival is "Extremely Low" but parental spawner abundance is greater than "Very Low" does not result in increased recruitment because of density dependent effects during freshwater rearing but is warranted as a precautionary measure.

Although boundaries for "Low" and "Medium" marine survival categories have changed slightly in the new matrix, harvest rates for those categories when parental spawners are in the "Low" and "Medium" categories are the same as the corresponding cells in the existing matrix. Modeling the "Low", "Medium" and "High" marine survival categories in the new matrix allows for slightly higher fishery impact rates at "High" parental spawner abundance and show the benefits of maintaining adequate spawning populations and the potential productivity of OCN coho when marine survival is high. However, it should be noted that years in the "High" marine survival category are a rare event. Most years will probably fall in the "Low" and "Medium" categories.

In conclusion, the proposed new matrix implements more conservative allowable fishery impacts rates at very low levels of spawner abundance and marine survival and slightly higher rates when conditions of spawner abundance and marine survival are favorable. All of the results are based upon output from Nickelson and Lawson habitat based production model. One of the key assumptions of the model is that the status of freshwater spawning and rearing habitat is stable. Hence modeling results and the predicted probabilities for recovery of OCN coho are explicitly linked to the maintenance or increased availability of high quality freshwater habitat. If the quantity or quality of available freshwater habitat decreases further it is unlikely that any harvest management at low level of spawner abundance will result in stable or increasing OCN abundance.

E.2.c. Report and Comments of Advisory Bodies

SSC

Mr. Bob Conrad presented the report of the SSC.

Mr. Sam Sharr presented a summary of the draft report of the Amendment 13 review. We did not have time to fully assimilate the information presented, but can offer several observations. The new approach is strong because it is based on a peer-reviewed model and reflects conditions the Council has been facing in recent years. The report presents a major change in the Amendment 13 matrix, extending specification into the low end of both parental spawning escapement and marine survival. The Scientific and Statistical Committee (SSC) has not examined the analysis and rationale for the exploitation rate values contained in the matrix.

The matrix specifies a critical cutoff of four spawners per mile in a basin. It is appropriate to specify a critical low spawner escapement level, because extinction risks increase rapidly as spawner densities drop. Any basin with escapements in this range will likely have experienced extinctions of

local populations. There is no biological justification for inducing fishing mortality on such stocks. However, it is not clear whether the value of four spawners per mile, as suggested in the review document, provides adequate protection. The SSC has requested an analysis of the risk of low levels of incidental fishing mortality when a stock is near the critical level.

Additional review is needed prior to Council action. The SSC would like to continue our review of this report at the October meeting.

E.2.d. Public Comment

None.

E.2.e. Council Discussion and Guidance on Development of Final Report

Mr. Bohn suggested the SSC Salmon Subcommittee review the information in the work group draft report prior to the next Council meeting and provide more specific comments on the report's recommendations.

E.3. Scientific and Statistical Committee Methodology Review Priorities

E.3.a. Agendum Overview

Dr. Coon noted that each year the SSC completes a methodology review to assure that new or significantly modified methodologies used to estimate impacts of the Council's salmon management use the best available science. He reported that the SSC is expected to be reviewing portions of the Klamath Ocean Harvest Model (KOHM), the coho cohort analysis project, and the OCN coho work group report. The Council should assure that all methodology issues pertinent to the 2001 management process are identified.

E.3.b. Report and Comment of Advisory Bodies

None.

E.3.c. Public Comment

None.

E.3.d. Council Guidance

Mr. Anderson stated that the coho cohort analysis will not be completed in time for an SSC review at the end of September. At that time, the analysis will be under review by the WDFW and tribal co-managers. Following the co-manager review, the analysis may be available to the SSC by the end of October.

Dr. Coon asked Mr. Anderson if the intention was to implement the results of the coho cohort analysis in the 2001 season? Mr. Anderson said it is their hope to use that data to update the Fishery Regulation Assessment Model (FRAM) for the 2001 season. He agreed to try to provide a summary of the analysis to the SSC Salmon Subcommittee at their October 29, 2000 meeting.

PUBLIC COMMENT PERIOD, 4 P.M.

Public comments on fishery issues not on the agenda are accepted at this time.

Mr. Kenyon Hensel. Spoke about asking for an exempted fishing permit. He asked if someone was willing to listen to him, he would accept it. He is asking the Council to help save the vertical fishery and the yellowtail complex in the nearshore boundary.

Ms. Heather Munroe, on behalf of the Women's Coalition of Fisheries. She noted that there is a press release on health insurance made available to fishing families.

Mr. Bob Eaton, Pacific Marine Conservation Council, and Ms. Carolyn Gibson from PMCC. She is now the communications coordinator. Her responsibilities are the newsletter, website, grassroots contact person, and working townhall meetings. She will also manage the database.

Mr. Frank Emerson, Fishermans Alliance of California, Monterey, California. Mr. Emerson reported that Don Dodds of North Pacific Research compiled a report on the effects of predator populations on salmonids from existing research. The Fishermans Alliance of California requested that the Council consider forming a panel dedicated to addressing the problem of predators on salmonids.

F. Administrative and Other Matters

F.1. Research and Data Needs

F.1.a. Agendum Overview

Agendum overview given by Mr. Seger. The Council is on it's every other year research and data needs and economic data plan. If the documents are approved at this meeting, they will be distributed to the public and adopted (final version) at the November meeting. This will allow the Council staff to have a meeting in December 2000 with both the SWFSC and NWFSC to develop a consensus on high-priority initiatives to address Council needs.

F.1.b. SSC Report

Ms. Cindy Thomson read the report of the SSC.

The version of draft research and data needs that appears in the briefing book reflects a number of changes suggested by the Scientific and Statistical Committee (SSC) and other Council advisory bodies before the Council's groundfish strategic plan became available to us. At this meeting the SSC again reviewed the draft research and data needs, largely to ensure that it reflects the recommendations contained in the strategic plan.

Many of the strategic plan recommendations - pertaining, for instance, to capacity reduction, estimation of total removals, frequency of fishery independent surveys, role of industry in data collection, improved stock assessments, evaluation of environmental effects on recruitment and productivity, evaluation and reduction of effects of gear and fishing practices on habitat - were already reflected in the research and data needs. In some cases, specific items have been edited or reprioritized to improve clarity or to make the connection to the strategic plan more explicit. In addition, several new items were added to the draft research and data needs, including a section on marine reserves and an analysis of the extent of overcapacity in the charter boat fleet. Specific SSC recommendations regarding wording changes to research and data needs are described below.

The SSC also updated the draft West Coast Fisheries Economic Data Plan. The document reflects recommendations contained in the strategic plan, with the most notable addition pertaining to evaluation of the socioeconomic effects of marine reserves. The SSC intends to provide additional wording in the document that describes other economics planning and data collection efforts that have been initiated in recent years and the relationship of the economic data plan to these other efforts.

The SSC appreciates the efforts of Mr. Jim Seger in updating the draft research and data needs and the draft economic data plan. Once the proposed changes have been made, the SSC will consider both documents to be ready for public review.

Recommended Wording Changes to Attachment F.1

Ensure the wording of the high priority recommendations provided in the Executive Summary is consistent with the body of the document.

All Fishery Management Plans

Page 2 Add "and species" after "geographic" in fourth sentence. Delete "geographic" in fifth sentence. Replace "will" with "may" in sixth sentence.

Economic Data Plan. In second sentence replace "Developing a coordinated effort" with "Continued development of a coordinated effort."

Page 3 Add a section titled "General Analytical Needs". Subsume "Assessment of Enforcement Effectiveness." Add a second item: "Resources under PFMC jurisdiction respond to large shifts in ocean productivity. For instance, growth and recruitment of rockfish, ocean survival of salmon and the relative abundance of coastal pelagics responded to the major North Pacific climate shift in the late 1970s. In addition, year to year patterns in fishery production tend to show similarities across species (FMP) groups. These holistic resource responses need to be assessed and incorporated into the management process."

Page 3 *Economic and Social Data Collection and Research.* Delete the last bullet.

Page 4 Add a new item under "Analysis" that reads "Analysis to evaluate extent of overcapacity in the charter vessel fleet."

Groundfish Management Fishery Management Plan

Page 6 First bullet. Rewrite as follows: "Establish a West Coast coordinator to identify and prioritize stock assessment information needs, to track programs that fulfill those needs and to facilitate establishment of new programs to address unmet needs. This coordinator would report status of biological data collection activities to the Council, with emphasis on anticipated deficiencies identified with respect to stock assessment and management needs." Make a similar change to the last paragraph on page 7.

Delete 2nd bullet on electronic monitoring.

Third bullet. Delete "particularly the trawl fleet." Delete 2nd sentence. In the third sentence insert "and reducing" after "estimating" and delete "against accurate observations made by observers." Delete 4th sentence.

Page 10 Slope Surveys. Move the last sentence of the third bullet to the first bullet.

Page 11 Environmental Data Collection. In 1st sentence, replace "Data collection" with "Collect, analyze and synthesize data." In 4th sentence, replace "trawlers" with "vessels".

Page 13 Stock Assessment Modeling. Add a second sentence that reads "Develop new models for species for which fishery-independent data are not available (e.g., nearshore rockfishes)."

Salmon Management Fishery Management Plan

Page 16 *Indicator Stocks.* Add a sentence to the end of the paragraph that reads "Escapement goals are needed for Washington and Oregon coastal fall chinook."

Page 17 *Non-Catch Fishing Mortality.* Add a sentence prior to the last sentence of the paragraph that reads "Special attention needs to be paid to mid- and long-term mortality."

Coastal Pelagic Fishery Management Plan

Page 22 *First bullet.* Replace "in northern and southern end of range" with "throughout its range."

Marine Reserves

Page 26 *3rd para.* Delete "five".

Add a new first bullet: "Identify type and scale of information needed to conduct stock assessments after establishment of marine reserves and evaluate the feasibility and cost of collecting such information."

Current first bullet. Insert "and structure" after "location".

Subsume the current 2nd, 3rd, 4th and 5th bullets under an introductory sentence. "Research is needed to understand the biological effects of marine reserves and determine the extent to which ABCs would need to be modified when marine reserves are implemented, over the short and long term."

Page 27 *Stock Assessment Models.* After the last sentence, add "As part of the evaluation of marine reserves relative to the status quo, the types and scale of information needed to conduct stock assessments after establishment of reserves should be identified and the feasibility and cost of collecting such information should be analyzed."

Page 27 *Social and Economic Data Needs.* In second sentence, replace "are not recorded on a fine enough scale to be useful in modeling" with "are needed on a fine enough scale to model". Replace 3rd and 4th sentences with "Information is also needed on the extent of displacement of fishing activity from the reserve and the extent to which effort is diverted to other fisheries."

Page 29 *Recreational Harvester and Site Specific Demand.* In first sentence, replace "the changes in CPUE (if CPUE predictions could be made)" with "site-specific closures".

Offsite Nonconsumptive Values. Change "bequeathal" to "bequest." Delete 3rd sentence.

Add "Other Marine Related Industries. Inventory and assess dependence of businesses supporting commercial and recreational fisheries as well as other ocean based activities (e.g., ecotourism.)"

F.1.c. Report and Comment of Advisory Bodies

None.

F.1.d. Public Comment

None.

F.1.e. Council Guidance

Mr. Boydston moved that the Council approve the draft research and data needs document incorporating additional comments as provided by the SSC and the draft west coast economic analysis. Mr. Anderson seconded the motion. Motion 7 passed.

F.2. Status of Legislation

Dr. Dave Hanson gave the update. He reported the on appropriations, the first meeting between the white house staff was to start today. They hope to reach resolution is that the Commerce Justice piece could be done by next week. If that does not get done, then we will be operating on continuing resolutions.

He expects that nothing will happen this session on reauthorization of the Magnuson-Stevens Act. You should be getting a summary of Senator Stevens Act. The MMPA is not going anywhere this year either. The senate staff will meet on Friday regarding ITQs and the moratorium. The processors are not agreeing to exempting these two fisheries from the moratorium. Senator Gorton does not agree with Senator Smith.

Dr. Clarence Pautzke is on IPA. Starting next Monday he will be the Acting Director of Sustainable Fisheries back in NOAA. This is a great opportunity for him to convey information to us.

Mr. Brown asked if there is no action on the Magnuson-Stevens Act, is there a resolution to continue the IQ moratorium? Dr. Hanson said yes, without any other action it would expire.

F.3. Proposed Change in Terms for Council Advisory Body Members

Dr. John Coon gave an overview of the proposed changes to the terms for Council advisory body members. To reduce administrative workload and improve efficiency in handling fishery management issues, the staff recommends extending subpanel, SSC and HSG appointments from two to three year terms. This is the same length as Council member appointments and would require modification of Council Operating Procedures (COP) 2, 4, and 6.

Under this agenda item, the Council may also want to consider and solicit input for the restriction in COP 2 which limits advisory body members to one alternate per year who cannot be reimbursed by the Council. This restriction causes unnecessary hardship for some subpanel members and requires additional Council deliberations without any beneficial purpose. Since we are in the process of soliciting nominations for the next term of the advisory bodies, the Council needs to make a decision about term length at this time. Other changes may be made now or at subsequent meetings.

GAP Comments

Mr. Rod Moore provided the comments of the GAP:

The Groundfish Advisory Subpanel (GAP) discussed changes in the Council's Operating Procedures relating to the GAP and makes the following recommendations:

- 1. The GAP agrees with the recommendation that GAP terms be extended to three years, beginning January 2001. The GAP views this as a cost saving measure.*
- 2. The GAP recommends the number of meetings which a GAP member can miss should be limited to two per year. Missing two meetings will be cause for dismissal.*

3. *The GAP recommends a member be allowed to be replaced with an alternate once each year upon prior notification of the Council Chair, and the alternate be compensated for his/her expenses.*
4. *The Council should make clear to applicants for advisory bodies what their responsibilities are including the number of meetings they will be required to attend.*

The majority of the GAP discussed GAP composition and recommends no changes be made at this time. A minority requested greater representation from the open access sector.

In response to questions, Mr. Moore indicated that it would be up to the discretion of the Council chair whether or not to dismiss a member after two meetings, taking into account any special circumstances.

Public

Mr. Gary Smith requested increased representation of open access fishermen on the GAP, providing for three open access seats (southern, central/northern California, and Oregon).

Council Action

The Council extended the terms of the subpanels, SSC, and HSG from two to three years (Motion 27 by Mr. Anderson; seconded by Mr. Bohn). To more clearly address the issue of removing members for lack of attendance, the Council modified page 2 of COP 2 by changing the second clause under "Termination of Members" to read: "absent from two meetings in any 12 month period" . . . and striking the rest of the clause (i.e., the Council would have discretion to remove a member after two absences in any 12 month period). In this same action, the Council made the terms of all agency and tribal advisory members (subpanels, SSC and HSG) indefinite in length to reduce the staff workload of soliciting new nominations each term (Motion 28 by Mr. Anderson; seconded by Jim Harp). Mr. Harp noted that the Council action was with the understanding that there are arrangements in the panels that the tribes rotate their people (i.e., the Klamath and Yurok tribes).

F.4. Council Action: Appointments to Advisory Groups (CPS, Highly Migratory Species, and Salmon Technical Team)

Dr. McIsaac corrected a typographical error on page 3 of Exhibit F.4: the HMSAS has 13 rather than 12 members and four commercial at-large positions rather than one. The Council needs to take action on two issues under this agenda item. The first is to deal with current vacancies and the second is the solicitation of nominations for the next advisory body term.

In considering current vacancies, Mr. Anderson proposed the Council take no action with regard to the vacancies on the HMSAS (Mr. Vuoso and Mr. Hansen) and the GAP (Mr. Hansen). He did not believe the Council should start making waivers to the operating procedures just to appoint members for the limited time remaining in this term. The meetings are open to the public and in most cases Mr. Fletcher and others will be at those meetings and can participate without the need to appoint and pay for alternates. The Council concurred.

The Council appointed Mr. Dell Simmons to the STT (Motion 29 by Mr. Robinson, seconded by Mr. Bohn); Dr. Paul Smith as the NMFS Southwest Region representative on the CPSMT, replacing Dr. Richard Parrish (Motion 30 by Mr. Robinson, seconded by Mr. Bohn); Mr. Henry Yuen to the STT (Motion 31 by Mr. Robinson, seconded by Mr. Bohn).

In further efforts toward more efficient administrative management, the Council considered abolishing panels which do not meet or have a current function. The Council abolished the Halibut Advisory Subpanel (Motion 32 by Mr. Anderson, seconded by Mr. Radtke); the Ad Hoc Legal Gear Committee (Motion 33 by Mr. Brown, seconded by Mr. Alverson); and the north and south habitat panels (Motion 34 by Mr. Anderson, seconded by Mr. Brown). The Council also considered abolishing the Groundfish Permit Review Board. However, since it is still included in the federal regulations, action to abolish this board was delayed until the issue has been studied more closely.

With regard to the composition of the advisory bodies, the Council made changes as described below.

Mr. Boydston stated that the open access group is the largest one we deal with. He believes they need better representation on the GAP and recommended an additional open access position. The Council expanded the membership of the GAP by adding one open access position, bringing the total open access positions to two. The positions require one person from north and one person from south of Point Mendocino (Motion 35 by Mr. Boydston, seconded by Mr. Hansen).

Mr. Anderson reminded the Council of a request from the Makah Tribe to add a seat for a tribal fisherman to the GAP. Mr. Brown, Mr. Hansen, and Mr. Caito opposed such action since the Council does not actively manage tribal groundfish fisheries and the GAP does not include representatives that have the co-management status of the tribes. Mr. Anderson noted that we have tribal representatives on our SAS, the Council does approve some tribal issues for groundfish, and the tribes use the same management structures and landing limits we have for our non-Indian fisheries. He noted that while we treat the tribes on a government to government relationship, the requested position would specify the seat as a person engaged in the tribal groundfish fishery and not as someone representing a tribal government. The Council agreed and added a position on the GAP for a tribal fisherman (Motion 36 by Mr. Anderson, seconded by Bob Alverson).

Mr. Anderson and Mr. Boydston expressed concern over the composition of the HMSAS. Mr. Anderson noted that there is only one charter and one recreational representative on the subpanel. This is of concern since there could be a lot of difference in recreational regulations between Washington and California. Mr. Boydston was also concerned with the balance of representation between the commercial and recreation sectors. In response to this discussion, the Council converted one of four commercial at-large positions to an at-large recreational seat (Motion 37 by Mr. Boydston, seconded by Don Hansen).

Mr. Anderson noted the GAP recommends that a member may be replaced with an alternate once each year upon prior notification of the Council Chair, and the alternate be compensated for his/her expenses. He believes that providing expenses to an alternate once per year would be reasonable to consider. The Council agreed to modify page 2 of COP 2 under "Alternates" to allow an alternate to be paid expenses once each year as long as prior notification is provided in writing to the executive director (Motion 38 by Mr. Bohn, seconded by Mr. Anderson).

F.5. Report of the Budget Committee

Dr. Coon read the report of the Budget Committee report as provided below:

Dr. Donald McIsaac presented the Budget Committee with an Executive Director Report that included four items: (1) the financial audit report for calendar year (CY) 1999; (2) status of the supplemental funding request for CY 2000; (3) status of the CY 2000 budget; and (4) status of the proposed 2001 grant application.

The audit for CY 1999 indicates that the Council's financial operations for the year ended in conformity with generally accepted accounting principles. There were no questioned expenditures for CY 1999.

The request for CY 2000 supplemental funding in the amount of \$14,675 was submitted in late July and has not yet been acted on. The funding should be available before the end of the year and will be included in staff considerations of expenditures for the remainder of CY 2000.

The overall status of the CY 2000 budget was discussed by the committee. Staff indicated that firmer numbers for planning expenditures through the end of the year would be available by mid-October for committee review. The Budget Committee will be provided updated estimates by mail prior to the October/November Council meeting.

Planning and submission of the CY 2001 grant application will be at the CY 2000 base funding level of \$1,907,750. The committee discussed details of the proposed CY 2001 budget and highlighted some categories for closer review. Concern was expressed about anticipating increased travel costs

due to the expectation of continued higher oil prices and increased committee and staff workloads to implement Council management plans.

The Budget Committee passed a motion which (1) approved the staff's preliminary assessment of CY 2000 expenditures with a more detailed review to follow in mid-October to identify the most beneficial options for fully utilizing the CY 2000 grant and (2) directed the staff to prepare the proposed CY 2001 grant application for submittal to NMFS in general conformity with the figures presented at the meeting and the discussion regarding future travel costs.

The agenda items for Status of the Groundfish Strategic Plan Facilitation Contract and Legislative Update were not discussed as a result of Dave Hanson's attendance at an emergency meeting of the North Pacific Fishery Management Council.

The Council approved the Budget Committee Report (Motion 39 by Mr. Radtke, seconded by Mr. Brown).

F.6. Council Workload Priorities

Dr. McIsaac lead the Council in a discussion about the existing staff workload, expectations for the period between the September and November Council meetings, and relative priorities.

F.7. Draft Agenda for November 2000 - ACTION

The Council gave their suggestions and comments to the Chairman and Executive Director.

G. Groundfish Management

G.1. Status of Federal Groundfish Activities

G.1.a. NMFS Report

Mr. Bill Robinson reported that following the June meeting, the trip limit changes were implemented. The fixed gear sablefish regular season began August 6, and the mop up season ran September 6-19 with a 3,000 pound limit. The notice of availability for groundfish Amendment 12 (rebuilding plans) was published September 7, with a 60-day public comment period, and on September 8, NMFS approved the rebuilding plans for lingcod, bocaccio and POP. On September 13 the AFA control date was published in the *Federal Register*. He expects the rule for the comprehensive observer program to be published September 14, 2000.

In the whiting fishery, the mother ship fishery closed in June, and the shore-based fishery will close this Friday. The catcher-processor sector is still fishing for the final 20% of its quota. The Makah tribal fishery has taken only about 20% of their quota.

The notice of availability for Amendment 13, which addresses bycatch, frameworks the emergency measures implemented last fall and cleans up the limited entry permit section, will be published later this week. Last, NMFS has also issued 45 whiting EFPs and 1 scientific permit.

Mr. Robinson reported that Ms. Kate King is retiring from NMFS. He praised Ms. King for her contributions to the Council process and NMFS.

Ms. Cyreis Schmitt, NMFS/NWFSC, introduced Dr. Andre Hunt, a research faculty member at the University of Washington who will be working on West Coast groundfish issues, mainly stock assessment activities. The NWFSC is completing the slope trawl survey, and the AFSC will also be conducting a slope trawl survey this fall. The NWFSC will prepare assessments of the Dover sole, shortspine thornyhead and sablefish resources in 2001. The NWFSC is continuing its ESA review of seven marine fish species in Puget Sound, and a FR notice will be published this fall announcing the public comment period.

Mr. Robinson, reporting for the SW Region, said the public comment period for the Huntington Flats proposed regulation ended on August 3, and they received many comments that will be compiled and analyzed. The SW Region expects to complete that analysis, respond to the comments, and take final action in October. They will report the final decision to the Council at the November meeting. There is some known litigation work.

G.1.b. Report and Comments of Advisory Bodies

There were no comments from the Council advisory bodies, public, or Council members.

G.2. Groundfish Strategic Plan

G.2.a. Agendum Overview

Mr. Dan Waldeck provided a brief review of the agenda item (Exhibit G.2, situation summary) and reference materials in the Briefing Book. He noted that Ms. Debra Nudelman (Resolve, Inc.) will give a brief report. Mr. Waldeck noted that about 300 people attended the 8 public hearings and the Council received approximately 50 public comment letters. The issues raised at the hearings and comment letters are reflected in the issues highlighted in the Supplemental Staff Summary.

G.2.b. Ad-Hoc Groundfish Strategic Plan Development Committee Final Report

Ms. Debra Nudelman, senior mediator, Resolve, gave an update and status report of the Groundfish Fishery Strategic Plan. She reviewed the history of plan development.

At the June 2000 meeting, the draft was presented. The Strategic Plan Development Committee met in August to review comments on the Plan and to prepare the draft for final Council action. She noted the committee largely focused on refining the Recommendations section of the Plan, as these are critical elements of the Plan. After completing their work, the committee reached a consensus decision to recommend the Plan to the Council.

She directed the Council to Exhibit G.2., Supplemental GSPDC Summary for a comprehensive review of the committee meeting. She discussed the "phases" of the Plan – there are two phases; phase one would be the plan development phase, and phase two will be the implementation phase. She noted there was a recommendation in the Plan to appoint an implementation committee. Ms. Nudelman summarized the process for moving into the implementation phase: consider all advisory entities and public comments related to implementation of the plan; develop an overall implementation plan with priorities and phasing in of the recommendations; develop a schedule; and finally provide a detailed summary of the public comments utilized during the implementation phase.

G.2.c. Hearing Summaries

The hearing summaries were provided in the Briefing Book, Mr. Waldeck noted that the summaries encapsulated the public comments from the hearings, these comments were similar to those provided in public comment letters. Generally, public comments focused on aspects of implementation of the Plan, rather than specific elements of the Plan.

G.2.d. Report and Comments of Advisory Bodies

HSG

Ms. Michele Robinson presented Exhibit G.2.d.

The Habitat Steering Group (HSG) applauds the efforts of the Council's Ad Hoc Groundfish Strategic Plan Development Committee and strongly recommends the Council adopt the plan.

The HSG has the following comments:

Section II. A. Groundfish Fishery Management

6. Marine Reserves as a Groundfish Management Tool

The HSG strongly supports the strategic plan goal for marine reserves and the recommendations identified in the plan.

7. Pacific Groundfish Habitat

The HSG strongly supports the strategic plan goal for pacific groundfish habitat and the recommendations identified in the plan with the following changes:

Recommendation # 2. "Review and revise Develop and implement gear performance standards for hook and line, pot, set gillnet, and trawl to increase gear selectivity, protect habitat, and/or decrease ghost fishing by lost gear."

Add recommendation # 5. Identify habitats necessary for healthy fish populations and identify locations of those habitats.

Section II B. Science, Data Collection, Monitoring and Analysis

The HSG strongly supports the strategic plan goal for this section and the recommendations identified in the plan with the following changes:

Recommendation # 2. "Create cooperative partnerships between state, federal, private foundations, and other private entities to collect and analyze the scientific fishery dependent and independent data needed to manage groundfish."

Add recommendation # 12. Promote research to identify habitats necessary for healthy fish populations and identify locations of those habitats.

SSC

Mr. Waldeck summarized SSC comments on the Strategic Plan.

Mr. Bohn said the SSC statement is fairly long, is there anything the SSC did not accept? Mr. Waldeck said, generally, no, the SSC comments were largely editorial. One topic not taken up was marine reserves, and the concept of (page 4 of the Plan -- methodologies). In their comments, the SSC states they see their role as review, rather than to develop methodologies.

Mr. Anderson stated the Strategic Plan Development Committee reviewed and considered the SSC's comments and incorporated a few into the report, changes were based on consensus. Mr. Anderson noted the Committee did not adopt every recommendation of the SSC.

Mr. Boydston recalled the SSC suggested alternate wording for the passage referring to a 50% fleet reduction (p.24 of the Plan). Mr. Waldeck noted the SSC's suggestion to include a statement that the Strategic Plan could not be deemed fully successful until capacity is reduced to a level in balance with social, economic and biological aspects of the fishery, rather than simply a target of 50%. Mr. Boydston noted that in the hearings he attended, the statement of 50% reduction drew more comments than any other parts of the Plan.

Mr. Robinson said he recalled the Strategic Plan Committee clarified that 50% reduction was the starting point, and the SSC added the explanation that the true optimum level for fishing capacity would be reached only when the number of vessels and permits was in balance with the economics of the fishery.

Mr. Anderson said if you look on page 6 of the Executive Summary (ES), under capacity reduction, you will see a reference to the language (he read the reference). The language suggested by the SSC was included. He went on to note that, in some instance, a 50% reduction may not be enough to reach optimal capacity, for

example it may work in the limited entry fixed gear sablefish fishery, but probably would be insufficient for the open access fishery. He noted the Committee incorporated the SSC's recommendation made, but did not spell out by sector the additional percentages.

GAP

Mr. Jim Glock presented the GAP Report.

The Groundfish Advisory Subpanel (GAP) received an update on the strategic plan from Ms. Debra Nudelman. After considerable discussion among GAP members and members of the public, the GAP arrived at the following recommendations.

The GAP believes the Council should move ahead with the strategic plan even though there is no consensus on implementation measures. However, this recommendation is made based on the assumption the plan is just that: a plan, which by definition is flexible and can and will be changed to meet drastically changing circumstances in the fisheries.

In regard to implementation, the GAP disagrees strongly with recommendation #2 in the proposed implementation process (page 14 of Exhibit G.2, Attachment 1 - Executive Summary). The GAP believes it is imperative any implementation committee include significant representation of the Council's advisory bodies and affected users. The GAP believes implementation is too serious a task to be left up to those with no direct stake in the welfare of the fishery.

Finally, the GAP observes that trying to decide where to go should require an analysis of where you are. There have been significant changes in law, policy, economics, fishery status, environmental conditions, and management systems in the past few years. The Council should not jump into a new management process without first fully examining the results of these changes.

Mr. Brown asked for clarification of the last sentence in the GAP statement. Mr. Glock noted that the GAP was concerned that many management changes have occurred in the last few years. The effects of these changes have not been fully evaluated, and the GAP suggests that before the Plan is implemented it would be prudent to assess where we are at present.

G.2.e. Public Comments

Mr. Waldeck reviewed Exhibit G.2.e, which is a summary of public comments. He indicated the most common themes in the comments related to: capacity reduction, allocation, promotion of clean fishing, management policy (observers, full retention), species/gear endorsements, habitat, marine reserves, the need for good science (how does the industry get involved in providing information), recreational fishing (allocation), funding, processors, and other general comments.

Chairman Lone noted that public comments will also be considered during the implementation phase.

For the information of the public, Mr. Boydston made a comment about the process for adoption of the Plan the Council was about to undertake. It was his expectation the Council would hear public comment and the advice of Council advisory entities, and then, with those comments in mind, consider final revisions to the Strategic Plan, which would then be voted on. Mr. Boydston noted that the public needs to be very specific on what they would like to change in the document.

Dr. Hanson asked Mr. Glock if the GAP was still working on the GAP statement, and if that is the case, we need to have that before public comment. Dr. Hanson said if we should take a GAP statement after public comment period, we may get into the situation of taking another public comment period. It was confirmed the GAP was not working on their statement (the one read by Mr. Glock stands – Exhibit G.2.d). Chairman Lone proceeded with the public comment period.

Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon
Mr. Mark Cedergreen, Westport Charterboat Association, Westport, Washington

Mr. William Smith, White Cap Enterprises, Birkenfeld, Oregon
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. Ron Gall, United Anglers of Southern California,
Mr. Barry Cohen, fisherman/processor, Grover Beach, Oregon
Mr. Kenyon Hensel, open access fisherman, Crescent City, California
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Mr. John Warner, West Coast Fisherman's Alliance, Charleston, Oregon
Mr. Phil Kline, American Oceans Campaign, Washington, DC
Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Gerald Gunnari, Coos Bay Trawlers Association, Coos Bay, Oregon
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

G.2.f. Council Action: Consider Final Adoption of Plan

Mr. Waldeck reiterated action on this item is final adoption of the plan. In addition, in the briefing material is a draft transmittal letter (Exhibit G.2.f), which would be a transmittal letter for the plan. This letter highlights specific, critical elements of the plan. If the Council is satisfied with the draft transmittal letter, this too would be adopted.

Mr. Anderson made the following motion:

Adopt the Groundfish Strategic Plan with the following revisions:

- Page 67 – Rename Implementation Committee as the “Implementation Oversight Committee.”
- Page 67 – Section III. A. 1. (B.)

Add after number 2:

3. At its discretion, the Implementation Oversight Committee may establish small implementation development teams to develop specific alternative(s) for implementing elements of the Strategic Plan. Implementation development teams will be comprised of Council subpanel, management team, and committee members from the GMT, GAP, SSC, EC, and members of the public as deemed necessary by the Implementation Oversight Committee.
- Include changes proposed by the Habitat Steering Group in the Pacific Groundfish Habitat section recommendation number 2, and add recommendations as proposed (see Exhibit G.2.d., Supplemental HSG Report). Motion did not include HSG – “Section II. B. Science, Data Collection, Monitoring and Analysis.”
 - Make edits as suggested by Ms. Karen Garrison – change “overcapacity” to “capacity” on Pages 5, 6, and 32, and other occurrences of the word “overcapacity.”

(Motion 8). Mr. Bob Alverson seconded the motion.

Mr. Anderson then spoke to the motion. There has been an extraordinary amount of public participation in developing the Plan, and the Council heard more comments today. These comments will be taken into account as the Plan is implemented. For example, maintaining the point system as a mechanism to develop a permit stacking program in the trawl fishery. This is the type of information that will be needed for the implementation groups as they develop specific measures for implementing the Plan. He perceives the implementation oversight committee as responsible for (1) making sure the develop teams are composed of the appropriate individuals and interests and (2) coordinating implementation of the Plan. Finally, he noted that his motion gave consideration to the public comments made today.

Mr. Boydston asked for clarification, with regard to Ms. Garrison's suggestion for the NEPA (page 61), was that part of the motion? Mr. Anderson said no, the Plan says "could" and does not say "would" exclude NEPA, this means it is up to the discretion of the Council whether the Council wanted to pursue exemption from NEPA during re-authorization of the Magnuson-Stevens Fishery Conservation and Management Act. Ms. Cooney stated an earlier draft of the Plan had that in the recommendations, but the current draft does not.

Mr. Boydston then said he would like to address the concern of the GAP and Mr. Barry Cohen with the regard to considering the effectiveness of management and status of fisheries by the Implementation Oversight Committee. His rationale was to address the concerns of the GAP, the Plan is part of an ongoing management system, and should consider changes in the fishery and effectiveness of current management in implementation of the Plan.

Friendly amendment by Mr. Boydston:

Add to Implementation Recommendation (p.67):

7. It will be important to consider current conditions in the groundfish fishery, including the effects of recent changes in resource status, fishery management, and the environment, as part of the strategic plan implementation process.

Mr. Coenen asked Mr. Anderson on his motion to add #2, including GAP members and other interests. How is that different from the current #6 recommendation for mini-teams? Is this a different concept? Mr. Coenen said that at least on the outset when the oversight committee reviews this, users and other interests should be involved in the initial implementation process. I do not see that in your motion. Mr. Coenen said this is an issue. The motion would create an oversight committee composed only of Council members, whereas Mr. Coenen felt that industry and other interests should be included, at least for the initial stages of setting priorities.

In response, Mr. Anderson stated the current wording would not get at the particular issue in terms of setting the initial priorities of the plan. His recommended changes would provide more specific guidance for developing alternatives for implementing the plan and trying to address the concerns raised by the public and the GAP. There was an absence of specific reference to the groups he mentioned in his motion, but he wanted to make it clear the development teams would also have the discretion to go out and get public expertise. To address Mr. Coenen's concern, Mr. Anderson said it seems to him that it would be within the parameters of this language for the oversight committee to request participation from any of the advisory groups or the public. He noted the meetings will be open to the public. Mr. Coenen accepted that explanation.

Dr. Hanson said he did not see a lot of difference between the old and new language, and that the motion is consistent with the intent of the Plan. The oversight committee will be involved in drafting management alternatives, with the industry heavily involved in the various elements of the plan. He also pointed out that two of the Council members will be on the Implementation Oversight Committee are members of the industry.

Mr. Brown told the Council the Implementation Committee is not drafting amendments nor creating solutions to problems. Rather, they are responsible for overseeing the development of management alternatives. Management alternatives will be developed by the Development Teams created by the Implementation Committee. He also believes that priorities have yet to be determined. He suggested the first task of the Implementation Committee should be to convene to set priorities, which would include broad membership.

To clarify the recommendations, Mr. Anderson said there should be consistency in the names used for the teams charged with developing management alternatives (#2 and #7). Recommended using the term "implementation development teams," rather than "mini-teams." The existing #6 spells out what the development teams would do. He also suggested that the Implementation Committee should be responsible for resolving conflicts that arise on the development teams, i.e., if the team can not reach consensus on an issue, the Implementation Committee would act as arbitrator. The Implementation Committee would make recommendations to the Council, this would include opportunity for public comment and discussion.

Mr. Brown asked why Mr. Anderson in his motion excluded the last recommendation of the HSG. Mr. Anderson said he would be happy to include that, if it was unclear that the Council would consider both fishery independent and dependant data. But, he felt it was adequately covered in the Plan, which was why he did not include it in his motion.

Mr. Brown then asked about recommendation 2 under #7, noting that if the Council implements gear performance standards, monitoring to assess whether or not the gear is effective and meets the standards would be necessary. He was uncertain if the Council had addressed the monitoring requirements that would be necessary if gear performance standards were implemented. Mr. Anderson said the HSG concern was that there are not existing gear performance standards, and that it was necessary to develop them. Mr. Brown emphasized that simply developing standards may not be enough, that the effectiveness of those standards would need to be studied and monitoring would be required to ensure the gear actually met the standards, i.e., performed as stated.

Dr. McIsaac asked for clarification, Mr. Boydston had offered a friendly amendment, did the maker and seconder of the motion accept it? Mr. Anderson and Mr. Alverson concurred. Dr. McIsaac said the motion does not speak to the membership of the implementation committee. Mr. Anderson said it would not be appropriate for this motion. The Strategic Plan recommends the committee be established, he assumed the Chairman would have the discretion to decide on membership. There is a recommendation in the Plan that Council members be members of that Implementation Oversight Committee. Motion 8 passed.

Mr. Brown moved to approve the Draft Council Transmittal Letter (Exhibit G.2.f) and send it with the Chairman's signature (Motion 9). Mr. Alverson seconded the motion.

Mr. Brown stated his opinion that the letter was very good. He noted that much of the public testimony focused on the potential economic impacts of the Plan, and that including some economic information in the letter, if possible, would be helpful. He noted that it was likely that stakeholders would use the Plan as lobbying tool to try to get funding for full implementation of the Plan. It would be useful if the letter discussed the consequences of not fully implementing the Plan.

Dr. Radtke, asked are you asking the Executive Director to fill in a paragraph explaining those needs? Mr. Brown said the letter is adequate and should be sent, whether or not more information is added. He would leave it up to the discretion of the Executive Director.

Dr. Hanson said in the letter we have specifically requested funds for buyback and we could add the request for annual funding for an observer program on the West Coast. Motion 9 passed.

Mr. Anderson said there was also the desire to have a financial plan that incorporates the financial needs of implementation of the Strategic Plan. This would be worthy to do, he feels that is an important thing to do, and hopes the members of the Implementation Committee would bring that concept back to the Council for consideration. Mr. Brown then said it is difficult to find out what the costs of these programs are going to be; some of this has to occur along with implementation in order to find out the costs.

Dr. Hanson thanked the Strategic Plan Development Committee for their work. He also thanked Ms. Nudelman.

G.3. Exempted Fishing Permit Applications

G.3.a. Agendum Overview

Mr. Jim Glock reported NMFS had not completed the permit application and Council review would be postponed until a future meeting.

G.3.b. NMFS Research Permit

There was no presentation by NMFS on this issue.

G.3.c. Public Comment

Mr. Kenyon Hensel, Crescent City, California
Mr. Gerald Gunnari, Coos Bay Trawlers Association, Coos Bay, Oregon

G.3.d. Report and Comments of Advisory Bodies

There were not comments from the advisory bodies.

G.3.e. Council Action: Recommendations to NMFS on Research and Other Exempted Fishing Permit Applications

Mr. Anderson thanked Mr. Hensel for bringing forth his proposal to demonstrate selective fishing gear and techniques. Mr. Brown concurred and noted the Council makes progress by getting proposals such as this; we always welcome the chance to do things better. Dr. Rick Methot responded to Mr. Gunnari's comments and said NMFS consider them.

G.4. Rebuilding Programs for Canary Rockfish and Cowcod

G.4.a. Agendum Overview

Mr. Glock laid out the schedule of presentations and required Council action. He noted the Council should talk about allocations and other specific management that may be required during the rebuilding period, especially for canary rockfish. He directed the Council's attention to the report from the ad-hoc allocation committee. The action for today specifically is to determine the length of the rebuilding periods, initial harvest levels, and initial allocation and regulation issues.

Dr. Rick Methot gave a presentation on rebuilding canary rockfish. He discussed the rapid drop in biomass and recruitment over time, and the estimate of recent recruitment that appears somewhat higher. He said the STAR panel suggested using $\frac{1}{2}$ the estimated recent recruitment because it takes a few years to verify yearclass strength. He said the initial rebuilding period estimate is 136 years with initial catch levels of 13-20 mt each year. The southern portion looks very different, much more productive but a smaller biomass. He will update the estimates as soon as possible. Mr. Tom Barnes reported cowcod biomass in the southern California bay is about 7% of the historic abundance and will take about 99 years to rebuild. With zero fishing it would take 62 years. He said the stock cannot be rebuilt if catch remains at recent levels (4.4 mt), and area closures are likely necessary to keep total catch below this amount. A 55% catch reduction is necessary. Both presentations were available as handouts under Exhibit G.4.

G.4.b. Ad-Hoc Allocation Committee Report

Mr. Anderson summarized the allocation committee report (Exhibit G.4.b, Allocation Committee Report). The two primary tasks were to receive and review reports on canary rockfish and cowcod; and to discuss reports on Pacific ocean perch (POP) and lingcod. When the committee met, there was still a lot of uncertainty about the 2001 optimum yields (OY) that would come out of the two rebuilding plans. The committee did not have enough information to develop proposals. They discussed the apparent discrepancy between the POP assessment and the rebuilding analysis and how to determine whether the stock is at, above, or below the overfished threshold. For lingcod, the new assessment indicates higher abundance than the previous assessment, but there is not yet a specific harvest recommendation. The committee wondered how much flexibility the Council has to increase harvest levels under the current rebuilding plan. Mr. Anderson asked to delay reporting on management options until Agenda Item G.10 (2001 management measures).

Mr. Boydston presented a summary of bocaccio catch to date; the commercial catch is appears much lower than expected. He reported the California Fish and Game Commission did not take action on bocaccio at their last meeting. He agreed with Mr. Anderson that much of the allocation committee report should be presented under Agenda Item G.10. He also said that California will request the Council and NMFS to defer management of nearshore groundfish species to the State, or remove several species from the fishery management plan (FMP) so California would have exclusive management authority.

G.4.c. Report and Comments of Advisory Bodies

SSC

Mr. Tom Jagielo presented the SSC report.

Canary Rockfish

Dr. Richard Methot, National Marine Fisheries Service, presented the results of the rebuilding analysis for canary rockfish to the Scientific and Statistical Committee (SSC). The analysis addressed all SSC comments that were given to the author at the June meeting. The rebuilding analysis was based on the northern stock assessment. Rebuilding analyses were presented for the two scenarios used during the stock assessment to explain the low incidence of older females compared to older males. The rebuilding analyses were developed by resampling the recruits per spawner (R/S) from various time eras. The SSC agrees with this approach.

The results of the rebuilding analyses are very sensitive to the strength of the 1996 to 1998 year classes. The R/S for these three years were the highest recorded; however, there is uncertainty associated with these values, because they are based solely on the 1998 triennial survey. Until these strong recruitments can be confirmed by the 2001 triennial survey, the SSC agrees with the results obtained by resampling R/S values from the preferred model approved by the Stock Assessment and Review (STAR) Panel. In the northern area, the median time to rebuild, in the absence of fishing, exceeded 60 years for both scenarios. The time to rebuild ranged from 81 to 132 years when an annual catch of 13 to 40 mt was added.

Cowcod

Mr. Tom Barnes, California Department of Fish and Game (CDFG), presented the results of the cowcod rebuilding analysis to the SSC. The analysis addressed most of the SSC comments that were given to the author at the June meeting. The rebuilding analysis was based on a surplus production model. The median time to rebuild, in the absence of fishing, ranged from 42 years when initial biomass was set at 11% of virgin biomass to 81 years if initial biomass was 4% of virgin biomass. When annual catches of 2.5 mt to 6.4 mt were added, the median time to rebuild ranged from 92 years to 277 years. It will be difficult to achieve catch targets in this range. The SSC is supportive of proposals outlined by CDFG (Exhibit G.4, Attachment 2) to reduce cowcod catch rates.

A delay difference model was used for the cowcod assessment. This model predicts a longer time to rebuild the stock compared to the surplus production model. The SSC would have preferred that the authors use the model approved by the STAR Panel; however, the difference in allowable catch levels during rebuilding would probably be negligible.

GAP

Mr. Rod Moore presented the GAP report.

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) to review rebuilding plans for cowcod and canary rockfish. The GAP also was briefed by staff of the California Department of Fish and Game on regulatory proposals which the department intends to make to the Council at this meeting. This report comments briefly on the rebuilding plans and more extensively on the proposed California management measures. The GAP notes it will be increasingly important to monitor discards in all sectors of the fishery.

CANARY ROCKFISH

The options available for rebuilding are dependent on assumptions about recent recruitment. Projections based on the 1998 triennial trawl survey indicate a more optimistic view of canary stocks, which could lead to a higher optimum yield (OY) for 2001 than projections not using the 1998 survey

point. In either case, the results of the 2001 triennial trawl survey will provide additional information to determine whether or not an optimistic approach is justified.

The Council needs to be aware of the trade-off involved: if the optimistic approach is used now and the 2001 survey confirms this projection, then substantial pain can be avoided. If the 2001 survey shows canary at a low level, then additional restrictions will need to be put in place in 2002.

On the other hand, if the pessimistic approach is used now, restrictions will begin immediately. If the 2001 survey confirms the optimistic approach, the fisheries will have endured this pain unnecessarily. If the 2001 survey confirms the pessimistic approach, then the Council will have acted properly.

COWCOD

The GAP agrees with the GMT decision to recommend the medium biomass estimate as the basis for rebuilding cowcod. However, the GAP has concerns on how rebuilding progress - both for this species and in general - will be monitored, especially if management measures call for zero retention of a species.

G.4.d. Public Comment

Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, California
Mr. Darby Neil, Los Osos, California
Dr. Mark Powell, Center for Marine Conservation, Oakland, California
Mr. Ron Gull, United Anglers of California, Oakland, California

G.4.e. Council Action: Adopt for Public Review Draft and Public Hearing Schedule

Mr. Glock reminded the Council this is a preliminary action at this time. He asked the Council to identify the preliminary harvest numbers and, with respect to the projections, whether to go with the optimistic or pessimistic views for the rebuilding times. Also, preliminary ideas on allocations or regulations should be identified.

Mr. Anderson said, relative to the modeling scenarios in rebuilding time periods, he is most comfortable using the intermediate recruitment assumption for canary rockfish during the 1996-1998 time frame. He thought this would be about 40 mt, which is near the upper end of the range presented by the GMT. He referred to the note on page 14 of the canary rebuilding plan referring to 47%. Mr. Brown requested clarification that 40 mt is for the northern portion, and what would the southern portion be? Mr. Anderson said the Council will have to wait until the GMT gives us that information.

Mr. Boydston suggested the Council consider adopting the medium 1998 cowcod biomass estimate, referring to page 8 of the cowcod document, and suggested a preliminary harvest impact of not more than 2.4 metric tons in the southern Conception area. The rebuilding period would be 55 years. He did not have a specific target for the fishery to the north.

Mr. Robinson asked Mr. Anderson if the scenario he was most comfortable with is the 1996-1998 time frame, and using the value of one half. Mr. Anderson said that is correct, the assumption referenced page 14 of canary rockfish document. He said he understands that is 47% probability of success. He said our challenge regardless of what number we choose is how are we going to structure the fishery to stay within those parameters. Given all the uncertainty surrounding the assessment and assumptions for rebuilding, the difference between 47% and 50% is insignificant.

Mr. Boydston asked Dr. Methot to explain how the southern canary feeds into this equation. Dr. Methot referred the Council to pages 11 and 12 of the canary rockfish rebuilding document. Mr. Anderson asked if 40 to 50 mt be the target in order to rebuild the stock. Dr. Methot said yes, and added that given the recruitment declines, the $F_{50\%}$ harvest rate (55 mt) would be too aggressive in the long run for canary rockfish.

Mr. Glock asked for confirmation that he should take the analytical information, reference it in the newsletter as a likelihood for next year and have a rebuilding document to present for both cowcod and canary rockfish.

He requested guidance on the likelihood of area closure for cowcod; any kind of preliminary thoughts if you are looking at a 50 mt or there about catch for a # of years, what kind of measures do you see getting the catch down to that; something useful for him to prepare a document.

Mr. Anderson moved preliminary adoption of the canary rockfish analysis based on scenario one, with the resampling recruits per spawner as indicated on the bottom row of scenario one on page 14 Exhibit G.4, Attachment 3, (47% rebuilding probability estimate) includes an annual catch of 40 mt plus 10 mt for the southern area (20% of the coastwide total). Seconded by Mr. Bob Alverson (Motion 10)

Mr. Brown addressed the 47% probability of rebuilding in time, emphasizing the next triennial survey next summer will measure the strength of recent recruitment. There is a risk in 2002 if recruitment is not exceptionally large, because harvest levels would have to be even lower to make up for the over harvest in 2001. We have that risk anyway. He wanted the public to be aware of this and understand the tradeoff.

Dr. McIsaac asked Ms. Cooney about the 47% with respect to the summer flounder case on the East Coast. She said in that court case, they were setting management measures on an 18% probability of reaching the target. The strongest case is to have at least a 50% probability of success. Mr. Anderson's suggestion of a 47-51% probability is pretty close, but a higher percentage would certainly be a stronger case. Dr. Methot said the catch levels to achieve a 47% and 50% probability are likely to be very similar. A 33 mt catch level might be 50%. He offered to do the calculation and report back to the Council. He warned that if scenario 2 proves to be correct though, 40 mt would be a far too aggressive harvest rate. Motion 10 passed.

Mr. Boydston (Motion 11) moved the Council adopt as preliminary the cowcod rebuilding plan developed by Tom Barnes and John Butler with the specific rebuilding target shown on page 8, under median 1998 biomass and assuming an F level of .01 and also add to the document the management measures that are likely needed to achieve that rebuilding:

1. area closures
2. reduced harvest of associated species
3. apply incidental or zero retention of cowcod throughout the rebuilding period.

Mr. Jim Caito seconded the motion.

Mr. Don Hansen proposed a friendly amendment to have a baseline study of the Conception area to the U.S./Mexico Border? Is that possible?

Mr. Boydston added to the motion that fishery independent surveys in the cowcod habitats are going to be important in order to evaluate the rebuilding of the species, and this should be noted in the document itself. Both the seconder and maker of the motion agreed with the friendly amendment. Motion 11 passed.

Chairman Lone announced regarding the agenda, the HMS agenda item will be moved until after Agenda Item G.5.

G.5. New Stock Assessments for Lingcod and Pacific Ocean Perch

G.5.a. Agendum Overview

Mr. Glock explained the Council should evaluate the new stock assessments for lingcod and POP in light of the rebuilding plans adopted last year. The 1997 lingcod assessment estimated egg production had dropped to about 9% of the unfished level. The new coastwide assessment has updated the two previous assessments and provided a better basis for comparing the northern and southern regions. The assessment confirms the overfished status in each region, but indicates the situation may be marginally better than what was reported in previous assessments. POP has been under a rebuilding policy since the early 1980s. The current rebuilding plan is based on the overfishing definition in Amendment 11 and the previous assessment. The new assessment shows the rebuilding may be achieved much earlier than previously believed, as early as 2011. Harvest restrictions in recent years appear to have allowed for growth.

Mr. Glock noted the evening stock assessment briefing had been cancelled, but some of the authors and STAR panel representatives are available for questions.

G.5.b. Report and Comments of Advisory Bodies

SSC

Dr. Ray Conser read from Supplemental SSC Report G.5.e.

The Scientific and Statistical Committee (SSC) met with Mr. Jim Glock to discuss new stock assessments for lingcod, Pacific Ocean perch (POP), and widow rockfish. Lingcod and POP have been separated out for discussion, because each is managed under recently-adopted rebuilding plans, and this is the first time new assessments have been prepared for these species since the overfishing declaration. The new widow rockfish assessment indicates the biomass is at or below 25% of B_o , so the potential for an overfishing declaration exists for this species as well.

The SSC held a lengthy discussion regarding timing of new stock assessment results for rebuilding species, particularly with respect to updating current rebuilding plans and applying changes for the upcoming management season. For example, rebuilding plans for lingcod and POP have just been approved by the National Marine Fisheries Service, immediately followed by new stock assessment results for each species. The Sustainable Fisheries Act (SFA) requires re-evaluation of rebuilding plans every two years, but the groundfish fishery management plan (FMP) states that stocks will be managed based on the best available information. This leaves the Council with two options, (1) re-establish rebuilding plans according to the new benchmarks each time new data are available, or (2) carry forward current rebuilding plans as approved, applying the new information in the next review period. The SSC favors the second option.

The SSC has the following specific comments regarding the new stock assessment results:

Widow Rockfish - Although there is a fair amount of uncertainty in the preferred model estimate of widow rockfish biomass, there is a 70% probability that current biomass is less than 25% of B_o . The Groundfish

Management Team (GMT) is currently developing preliminary optimum yields (OYs) based on this estimate and the assumption the stock will be declared overfished. In addition, the current assessment indicates year class strengths have been weak in recent years. The current 40-10 policy will likely be sufficient to rebuild widow rockfish within the next 10 years, and supplemental analysis, provided as an appendix in the stock assessment report, but not reviewed by the Stock Assessment Review (STAR) Panel, suggests widow rockfish biomass may be somewhat greater and not in an overfished condition. The SSC's groundfish subcommittee will review the supplemental analysis prior to the October Council meeting.

Pacific Ocean Perch - The previous POP rebuilding analysis estimated 20 to 30 years to rebuild the stocks. The latest analysis indicates a much shorter rebuilding time on the order of 10 years. The data used in the new rebuilding analysis are based on the new assessment, in which B_{MSY} was estimated from parameters in the model. There are many confounding factors associated with simultaneous estimation of steepness of the stock-recruitment relationship and survey catchability. This confounding and other technical issues affect the reliability of the B_{MSY} estimate, which subsequently impacts the rebuilding plan. The SSC does not recommend superceding the currently approved rebuilding plan with the new analysis. The new analysis has not yet been reviewed, but should be considered for the process in 2001.

Lingcod - The lingcod stock is still considered to be in an overfished state, but the most recent assessment results indicate the stock has started to rebuild. The stock assessment authors did not develop a modified rebuilding plan based on the latest results. The SSC recommends continued implementation of the recently approved rebuilding plan.

GAP

Mr. Rod Moore presented the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team (GMT) to review new stock assessments for lingcod and Pacific Ocean perch (POP) and their relationship to rebuilding plans for these species. The GAP offers the following comments.

LINGCOD

The GAP believes the 2001 acceptable biological catch (ABC) and optimum yield (OY) for lingcod should reflect the new stock assessment, as this will represent the best scientific information available. Further, the results of the new stock assessment should be used to update the existing rebuilding plan for this species.

PACIFIC OCEAN PERCH

The GAP notes the new stock assessment shows POP stocks are above the "overfished" level and in fact, probably should not have been designated as "overfished." The GAP recommends this be reported to NMFS, and the Council obtain clarification on what action is necessary when a species grows above the "overfished" level. At the same time, the GAP recognizes the need to manage conservatively while stock increases continue.

G.5.c. Public Comment

There were no public comments on this agenda item.

G.5.d. Council Action: Consider Rebuilding Plan and Season Adjustments

Mr. Brown suggested the Council not change the rebuilding plans at this time, but must address the issues raised by the SSC (i.e. the modeling and reviewing of new information). Mr. Anderson said by not taking action on POP and lingcod, we are going to stay the course with the rebuilding plans and use the new information of the stock assessments. That is our approach to POP and lingcod; regarding widow rockfish, we will go with the SSC's report; then decide in November if we need to prepare a rebuilding plan.

G.6. Preliminary Harvest Levels and Other Specifications for 2001

G.6.a. Agendum Overview

Mr. Glock reminded the Council of the annual process for setting ABCs, OYs, and associated harvest specification. Later, the Council will develop management proposals to achieve these specifications. Under this agenda item, the Council will consider material relating to the Oregon Enhanced Data Collection Program and a presentation by Dr. Methot of Exhibit G.6, NMFS Report. New estimates of discard rates in the Dover sole, thornyheads and trawl-caught sablefish (DTS) complex fishery are proposed. This issue is before the Council because anticipated discards are subtracted off the total catch OY. This year, the GMT proposes applying discard factors on a fishery by fishery basis where possible, using the new information from this analysis. Council actions at this meeting are the preliminary. Final action will be in November.

G.6.b. Preliminary Estimates of Acceptable Biological Catch, Optimum Yield, and Economic Analysis

GMT

Dr. Jim Hastie presented the GMT's preliminary ABC and OY recommendations, referring to documents titled "Exhibit G.6, Supplemental Revised Attachment 1" and "Exhibit G.6, Supplemental GMT Report."

Chairman Lone asked Dr. Hastie to review how discards are applied to rockfish and how the GMT calculated the catch values. Chairman Lone also asked if the GMT used 16% and does it come right off the top of the OY, with the exceptions of the species talked about today. Dr. Hastie said yes, the 16% value comes from

the Pikitch study in the 1980's. However, the GMT often has applied discard only to the limited entry allocation because open access fishers rarely hit the trip limits. The GMT plans to evaluate and apply the same discard rate to the open access fishery on a case by case basis.

Mr. Alverson noted the original material mailed to the Council, the GMT's preliminary ABC/OY table indicated the GMT recommended deducting sablefish discard from individual sectors rather than "off the top." The revised table omits that point. Dr. Hastie said that original document overstated the GMT position. He noted the strategic plan document implied that each sector should be responsible for its own discard, and the GMT was trying to be consistent with that. The GMT does not have an alternative set of calculations at this time, and the revised table reflects the total catch OYs, not the landed catch OYs.

Mr. Brown asked how Dr. Methot's analysis could be applied if trip limits are different next year, and different numbers of vessels participate. Dr. Hastie said the GMT needs to look at those limits, compare them with the Enhanced Data Collection Program (EDCP) analysis and see if they are appropriate. This is a big additional step. Mr. Brown and Dr. Hastie discussed the catch projections at length, how the GMT's effort based model compares how many people are fishing compared to other years, etc.

Mr. Caito asked why the yellowtail rockfish numbers changed. Dr. Hastie explained the new stock assessment concludes the stock is larger than the previous estimate, but we now apply the $F_{50\%}$ harvest rate. If we used the same $F_{45\%}$ rate as last year, the ABC and OY would be larger. The GMT is concerned there do not appear to be a lot of young yellowtail rockfish right now. The ABC of the next few years will reflect that downward trend. The Council also discussed the effect of foreign catch estimates on the darkblotched rockfish ABC and basis for the range of values.

Mr. Robinson expressed discomfort with the policy adopted in June not to implement new F_{msy} proxies for stocks above MSY or if there is little information. He is concerned whether we would be contrary to the national standards if we proposed an OY that exceeded what our scientific advisory bodies tell us, just because the stock may not be at risk right now. Mr. Robinson asked if the GMT believes the new F_{msy} numbers and proposed OYs reflect the best available science. Dr. Hastie said yes, there were some cases where they had to dig back through assessments of several years ago. He then explained some scenarios. Mr. Boydston asked a few clarifications on chilipepper and POP.

NMFS

Dr. Rick Methot presented the preliminary analysis of the enhanced data collection project. Dr. Methot thanked all the vessels and crews that volunteered to have their fishing operations observed. The analysis was given to the Council members in the briefing books as Exhibit G.6, NMFS Report. (summarize report).

G.6.c. Proposed Treaty Indian Harvest Levels

Mr. Harp presented the following proposals:

The tribes are proposing essentially status quo harvest limits for 2001 tribal fisheries.

The Council should adopt the following options for 2001 tribal fisheries:

Black Rockfish - *The 2001 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, no tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.*

Sablefish - *The 2001 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.*

Thornyhead rockfish - *Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for short and longspine thornyheads combined.*

Lingcod - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Canary rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Other rockfish species - The 2001 tribal longline and trawl harvest restrictions regarding the landing of other minor rockfish species will operate under trip and cumulative limits. For other rockfish, the tribal fisheries will operate under the same trip limits as the limited entry fishery, provided that any time restrictions imposed on the non-treaty limited entry fisheries might not be imposed on the Treaty fisheries. Because of the relatively small expected catches of the Treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless inseason catch statistics demonstrate that the tribes have taken one-half of the harvest in the tribal area.

Whiting – 32,500 mt for 2001 this would be consistent with the framework implemented a couple of years ago.

G.6.d. Preliminary Estimates of Domestic Annual Processing, Joint Venture Processing, and Total Allowable Level of Foreign Fishing

None.

G.6.e. Report and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson read the report of the SSC.

Dr. Richard Methot of the National Marine Fisheries Service, Northwest Fisheries Science Center, discussed the report A Preliminary Analysis of Discarding in the 1995-1999 West Coast Groundfish Fishery with the Scientific and Statistical Committee (SSC). An update of discard levels is needed as the data supporting the current estimates are 15 years old, and the current procedure for estimating discard as a fraction of the total catch of a target species is no longer applicable to today's fishery. The report uses a new model to analyze data from the Enhanced Data Collection Project (EDCP) for the Dover sole, thornyhead, sablefish (DTS) bottom trawl fishery during the 1995-1999 fishing seasons and proposes a new model for estimating DTS discards based on trip limits. The model has two important features, (1) it can be used to estimate discards from current fishery data, and (2) it can be used to predict discards for a given set of proposed trip limits.

The SSC finds the approach used to estimate discards in the DTS trawl fishery very promising. It has the potential to provide better estimates of discards than current procedures and explicitly accounts for changes in trip limits. The SSC recommends future work with the model examine the following:

- 1. Length frequency information from the data used to develop the model, to determine if there is evidence of high-grading and whether discards are having a significant impact on recruits to the population.*
- 2. Associated economic data that may influence discard behavior in the fishery.*
- 3. A tow-by-tow analysis of the data.*
- 4. Availability of existing log book data (beyond the EDCP data) to support model development.*

Although the SSC recognizes the preliminary nature of the current model, it does represent the best available science. Therefore, the SSC recommends using the proposed method for estimating discards in the DTS trawl fishery during the 2001 season. Because of the early stage of development of this model, future improvements to the model may result in changes to the DTS discard estimates and the estimation procedures. Furthermore, the proposed model is dynamic, and discard rate estimates may change annually. The SSC encourages further development of this model.

The restrictive 2000 and 2001 catch levels for many of the OY groundfish stocks will continue to create problems with bycatch in other fisheries and will adversely impact the collection of fishery-dependent data. Additional management efforts will need to be undertaken by the state agencies to reduce the bycatch in shrimp and prawn trawl fisheries and recreational fisheries to keep the catches below OY levels. In addition, fishers may become reluctant to land any catch of rockfish stocks with OY levels of just a few 100 tons to ensure landings do not exceed OY. This will likely contribute to additional unaccounted discards for rockfish stocks. The port sampling opportunity to collect biological data from commercial or recreational catches will then be jeopardized. Information on fish size and age composition is important to our efforts to evaluate the magnitude of incoming year classes and to track stock rebuilding. The lack of sufficient port samples will place more emphasis on the data from the coast-wide shelf and slope surveys.

The SSC reviewed with Dr. Jim Hastie, Chair of the Groundfish Management Team (GMT), the preliminary OY levels for a number of the stocks, particularly those judged to be overfished or near overfishing levels. The new harvest rate policy, and 40-10 reductions are being implemented as 2001 point estimates or as the lower bound of a range. Comments on OY levels for selected stocks are:

Canary rockfish - SSC supports the OY levels based on the preferred model of the Stock Assessment Review (STAR) Panel which reduced the estimates of recent recruitment levels by 50%. These result in OY ranges of 13 mt to 40 mt for the northern area. The extremely low harvests levels will severely impact shelf fisheries.

Pacific Ocean perch (POP) - With respect to the OY levels for Pacific Ocean perch there is confusion over the existing rebuilding plan, given the results of the new assessment which concluded that current biomass is above 50% of B_{MSY} . The new rebuilding analysis provided in the briefing book has not been reviewed, and the SSC cannot endorse its use in setting the 2001 OY level. We recommended to the GMT they develop a range using last year's OY (294 mt) and a yield obtained using the current harvest policy ($F_{50\%}$ with the [40-10] reduction) applied to the most recent biomass estimate. This recommendation should be in place until the status of the POP rebuilding plan is resolved. Given the sophistication and complexity of the new models being used to assess rebuilding and to derive biological reference points, the current review process is being stretched beyond its capability to provide the in-depth evaluations required to make informed, valid, and pertinent judgments to resolve conflicting model outcomes similar to those for the POP assessment.

Widow rockfish – The updated assessment concluded the current biomass for the widow rockfish stock has a 70% probability of being less than 25% of B_o , which indicates an overfished stock. However an existing analysis, which has not been reviewed or approved by the Stock Assessment Review (STAR) Panel or SSC, concludes a rebuilding plan for widow rockfish may not be required. If this is the case, the harvest rate would be based on the (40-10) policy. Prior to Council adopting OYs in October, the SSC will review the overfished status report appended to the assessment document and will provide advice on OY at that time.

Darkblotched rockfish – The OY range is based on uncertainty in the amount of darkblotched taken in the foreign rockfish fishery and initial rebuilding projections by the Stock Assessment Team (STAT) that assume the stock will be declared overfished. SSC recommends further analysis be undertaken to resolve the uncertainty of species composition in the foreign fishery. Until there is some resolution to this issue, SSC can offer no advice on any particular point estimate.

Lingcod – The lower value of the OY range is based on the existing rebuilding projections and the upper value is based on the new assessment results. The best available information is from the new assessment.

GAP

Mr. Rod Moore presented the report of the GAP.

The Groundfish Advisory Subpanel (GAP) reviewed the preliminary Groundfish Management Team (GMT) acceptable biological catch (ABC) recommendations as presented in Exhibit G.6, Attachment 1, and offers the following recommendations. Except as noted, the GAP recommend the Council adopt the proposed ABC and optimum yield (OY) levels and ranges contained in the document.

Lingcod - *The GAP recommends adopting the high end of the OY range. This number reflects the new stock assessment prepared this year.*

Pacific Ocean perch - *The GAP urges the Scientific and Statistical Committee (SSC) to resolve the issue of the level of Pacific Ocean perch (POP) and other rockfish in historic foreign catches. Two Stock Assessment Review (STAR) Panels suggested different and potentially conflicting approaches on this issue, which has a bearing on proposed ABCs.*

Widow rockfish - *The GAP recommends adoption of the high end of the OY range, which reflects application of the new harvest policy and management based on the Council's 40-10 control rule.*

Canary rockfish - *As noted in its comments on the canary rockfish rebuilding plan, the Council needs to decide on how to balance optimistic and pessimistic projections with the upcoming triennial trawl survey.*

Longspine thornyheads - *The GAP recommends adoption of the upper end of the OY range, consistent with the Council's previously stated policy of not applying the new harvest policy rates to species which have not had a new stock assessment and which are not considered at risk.*

Dark blotched rockfish - *As noted above in relation to POP, the SSC needs to resolve the issue of composition of historic foreign catch, as this has major bearing on the status of this species.*

Dover sole - *The GAP recommends adoption of the high end of the OY range. Two years ago, the Council selected the low end of an assessment range as a precautionary measure, even though Dover stocks were projected to increase. The low end of the OY range shown here represents application of the new harvest policy, even though no new stock assessment has been completed, and stocks are not at risk. This double precautionary approach carries conservative fisheries management to the extreme and should be rejected.*

English sole, petrale sole, arrowtooth flounder, and other flatfish - *In all cases, the GAP recommends adoption of the high end of the OY range, as the low end represents application of the new harvest policy to stocks that are not at risk and that have not been subject to a new assessments.*

G.6.f. Public Comment

Ms. Jennifer Bloeser, Pacific Marine Conservation Council, Arcata, California
Mr. Mark Powell, Center for Marine Conservation, Oakland, California
Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. David Lethin, fixed gear sablefish fisherman, Chehalis, Washington
Mr. Bob Eder, N/V Nesika, Newport, Oregon
Mr. Jim Ponts, longliner, Fort Bragg, California
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. James Miller, Seattle, Washington

G.6.g. Council Action: Adopt Specifications for Public Review

Mr. Glock summarized the issues and necessary actions: preliminary adoption of ABCs, OYs, DAP, TALFF, changes in the species to be allocated between LE and OA, and any other harvest level specifications. These will go out in the newsletter for public review.

Council members discussed the actions taken earlier on the agenda regarding canary and cowcod, and decided to revisit the canary rockfish OY in light of the GMT statement's reference to 60 mt instead of 50 mt.

Mr. Boydston moved the Council reconsider Motion 10 (Mr. Don Hansen seconded) regarding the canary rockfish rebuilding plan and harvest range. The motion passed. Motion 10 was amended to set 40 mt as the guideline for the northern portion of the stock and 20 mt for the southern portion, but to operate under a coastwide total of 60 mt. There would be no range. After a long discussion, the motion passed. (Motion 13)

Mr. Anderson, moved (motion 14), adopt preliminary ABCs and OYs as indicated on Supplemental Revised Attachment 1 with the following amendments

Lingcod – OY 611 mt

POP – OY would be 626 mt (in place of the range)

Widow – leave as a range

Canary – 60 mt OY

Chilipepper – ABC total would be 2,700 mt

Longspine – ABC and OY would be 2,461 mt

Cowcod – OY 2.4 mt

Darkblotched – OY would be 95 mt

Dover Sole, English Sole, and the other flatfish, the bolded numbers of 7,677 mt, 2,693 mt, 2,567 mt, 5,046 mt; and 6,699 mt would be the ABCs for these species. Mr. Jim Harp seconded the motion. (Motion 14)

Mr. Anderson explained his rationale: lingcod is based on the new assessment and best scientific information available; POP uses $F_{50\%}$ and the 40:10 adjustment; widow will be a range until the SSC provides clarification in November; canary is consistent with the rebuilding plan; chilipepper and longspine thornyhead are based on $F_{50\%}$; cowcod is from the rebuilding plan; darkblotched assumes 10% in the foreign catch; and flatfish based on $F_{45\%}$.

Regarding the phase in of the new F_{msy} proxies, Mr. Anderson said in June he supported the idea of phasing in the new proxies, but does not think the Council has a choice not to use the new values.

Mr. Brown asked for a friendly amendment that darkblotched be left as a range. He and Mr. Anderson discussed what a range should be, and agreed the upper end should be somewhere between 95 mt and 159 mt. They agreed on a range of 95 to 130 mt. The maker and the seconder agreed with the friendly amendment.

Mr. Boydston asked if the motion removes the 3,681 mt value for chilipepper from the table and if all the flatfish ABCs are adjusted to be consistent with the OYs? Mr. Anderson said yes. Mr. Alverson asked if the sablefish discard apportionment in the sablefish e/ footnote is part of the motion. Mr. Anderson said yes. Mr. Alverson and Ms. Cooney discussed whether that requires a two meeting process. Ms. Cooney said this is a complex issue. The main thing is to lay out what it means: who does it affect and how, what has been done in the past, and how does this change things. In response to the discussion, Mr. Anderson removed sablefish footnote e/ from his motion, with concurrence of the second, so the Council would take up the issue in a separate motion. He suggested discussing this with the GMT about what kinds of information we would need to make an informed decision. Mr. Robinson asked if the motion included the utilizing the EDCP analysis of the DTS complex discard rates? Mr. Anderson said no. Motion 14 passed.

Mr. Coenen agreed with Mr. Anderson's concept about the discard issue. He suggested the Council take this up under the strategic plan. Mr. Brown suggested this needed more consideration, perhaps being applied inseason based on landings and vessel participation. He thought there is a potential to account for discard with this as well as an incentive and a credit for doing things better. Mr. Alverson asked that any necessary

clarification and analysis be completed by the November meeting so we know whether we can do this or not, and how it changes the various harvest guidelines.

Mr. Harp presented the following two motions:

To facilitate Council Action on preliminary 2001 groundfish harvest limits for the Treaty tribes, I would like to make two separate Motions for tribal fisheries.

For Tribal groundfish fisheries other than Pacific whiting and halibut, I move that the Council adopt for public review the proposed limits as outlined in the Tribal proposal G.6.c. for the 2001 fisheries. (Motion 15)

For tribal Pacific whiting fisheries, I move that the Council adopt for public review a tribal set aside of 32,500 metric tons for the 2001 fisheries. (Motion 16)

Mr. Anderson seconded each motion. Council members and Ms. Cooney discussed the tribal allocation slide scale framework and whether it had ever been adopted. Mr. Harp said there was a series of discussions on that concept. Ms. Cooney clarified that was a standing proposal from the Makah Tribe, the proposed allocation is consistent with the sliding scale.

Mr. Coenen and Mr. Brown abstained from the voting on the whiting portion. Motion 16 passed, with the two abstentions.

Mr. Robinson moved (Motion 17) to set the joint venture processing and total allowable level of foreign fishing to zero. Mr. Don Hansen seconded the motion. Motion 17 passed.

Mr. Anderson asked that the public be advised the Council may need to reallocate canary rockfish between limited entry and open access in order to achieve the rebuilding plan. This would be addressed more fully under Agenda Item G.10. Ms. Cooney said the potential need to make allocation adjustments should be announced in the Newsletter.

Mr. Alverson asked that Dr. Hastie provide some historical perspective about sablefish, referring to Exhibit G.6, Supplemental GMT Report 2. Dr. Hastie explained the handout and the basis for the various sablefish discard mortality estimates. Dr. Hastie explained that fishers operating under time constraints would likely keep all the legal size fish, but when they are not under a time limit pressure, such as in the DTL fishery, they would likely highgrade. The Council asked staff to include a discussion of this in the newsletter.

G.7. Sablefish Permit Stacking Concept

G.7.a. Report and Comments of Advisory Bodies

Mr. Seger made a powerpoint presentation (hard copies were distributed as a portion of the exhibit for the briefing book).

Mr. Alverson asked Mr. Seger, NMFS requires, that under the AK program, that person be an individual, however, once the person is listed on the permit, and that person must be on the boat. That person could incorporate themselves for liability purposes. I did not see that as the interpretation on this particular draft. Mr. Seger responded that the quota share must be tied to one individual, regardless if they are incorporated or not at the time of purchasing that quota share.

Mr. Brown said that usually Dr. Hastie has an analysis, if you have permits stacking right up to the last minute then that would be a problem. Mr. Seger said that is correct, particularly if it is a derby. Dr. Hastie said he believes on previous occasions that it would be an integral part – a cut off date after which permits could no longer be stacked for purposes of that years primary fishery so that an analysis and/or calculations could be done.

SSC

Ms. Cindy Thomson presented the comments of the SSC.

Mr. Jim Seger briefed the Scientific and Statistical Committee (SSC) on the Draft Analysis of Permit Stacking for the Limited Entry Fixed Gear Sablefish Fishery.

The analysis includes a placeholder in Section 1.3.3 for a discussion of the relationship between the permit stacking proposal and the goals and recommendations of the Groundfish Strategic Plan, should the plan be adopted by the Council. This is a good example of how groundfish plan amendments should be routinely related to the strategic plan. The document also contains placeholders for other portions of the analysis that have not yet been completed, including Section 2.0 (description of fishery) and portions of Section 3.3.x (safety, windfall profits, etc.). The analysis, however, was sufficiently complete to allow the SSC to evaluate the essential elements of the voluntary stacking proposal.

The SSC concurs with the following conclusions from the analysis: unless the individual quota (IQ) moratorium is lifted, voluntary permit stacking per se is not likely to increase the duration of the fixed gear sablefish season, alleviate the safety concerns and complex management decisions associated with short seasons, or result in significant capacity reduction. In order to accomplish those things, voluntary stacking will need to be followed by a properly designed IQ system (an uncertain prospect at this time, given the moratorium) or some other stringent capacity reduction mechanism. The SSC is concerned about the limited benefits that would accrue from voluntary stacking if the IQ moratorium is not lifted. However, we also realize that it is up to the Council to decide whether that risk is acceptable.

The SSC has several suggestions for clarifying and simplifying the analysis:

Section 1.3 includes nine objectives. Prioritization or elimination of some objectives may help to simplify the analysis.

Section 1.5 describes three possible future scenarios regarding the IQ moratorium: (1) moratorium expires/no new requirements constraining creation of IQs, (2) moratorium expires/some new requirements constraining creation of IQs, (3) continuation of moratorium. The SSC recommends that scenario (2) be eliminated from consideration. While it is a plausible scenario, it is not specific enough to be very useful for the analysis.

Provisions 1-9 should be distinguished in terms of whether they pertain to design features of a stacking program that the Council must decide in advance, or outcomes that are contingent on whether voluntary stacking is followed by an IQ program. For instance, the two fishing duration options presented under provision 5 (extended season vs. modified derby) represent alternative outcomes. Similarly, the two options under provision 9 (open vs. close the daily-trip-limit fishery during the primary fixed gear sablefish fishery) also represent alternative outcomes.

GAP

Mr. Rod Moore presented the comments of the GAP.

The Groundfish Advisory Subpanel (GAP) reviewed the draft analysis of permit stacking (Exhibit G.7, Attachment 1) and provides the following comments on the options proposed. In most cases, GAP comments on these options are not unanimous; majority and minority views are indicated where appropriate. The GAP comments follow the outline of provisions listed in the draft analysis.

Provision 1: Basic Stacking

A majority of the GAP believes that the Council should not proceed further with a permit stacking system if the individual transferable quota (ITQS) moratorium continues; if the moratorium expires,

then stacking should be considered as outlined below. A minority of the GAP disagreed, believing the Council should proceed with a stacking option regardless of the status of the ITQS moratorium.

Provision 2: Base Permit and Gear Usage

The consensus of the GAP is that option 2b (using any gear allowed by stacked permits, length endorsement applies) is the preferred option.

Provision 3: Limits on Stacking

The majority of the GAP believes limits are desirable, but the limits should be based on poundage, not on the number of permits. They suggest ownership be limited to the equivalent of 5% of the fixed gear allowable catch, although current ownership of permits/endorsements in a greater amount should be "grandfathered". They request the Council establish a control date as soon as possible to signal the potential cut off of "grandfather" rights. A minority of the GAP believes - if permit stacking is considered a free market system - ownership should not be artificially constrained, and thus opposes limits on ownership.

Provision 4: Combination of Stacked Permits

After considerable debate in which majority/minority opinions changed several times, the majority of the GAP supported option 4a (allowing permits to be unstacked) as the preferred option, suggesting this will provide greater economic benefits and to allow new entrants an opportunity to buy into the fishery. A minority of the GAP supported option 4c as the preferred option, pointing out this option will provide capacity reduction (a goal of the Council) and still provide economic benefits through trade of endorsements. All parties suggested the Council consider breaking tier endorsements into smaller pieces in order to allow more flexibility in stacking.

Provision 5: Fishery duration

While the GAP recognizes the limitations imposed on the Council if the ITQS moratorium remains in effect, the GAP prefers the fishery be of a longer duration, and an ITQS system be developed.

Provision 6: At-Sea Processing

A majority of the GAP chose option 6a as the preferred option, with the proviso that it be modified to allow freezing at sea by any vessel that had frozen at least 2000 pounds of sablefish in any of the years 1998, 1999, or 2000. The GAP recognizes some investment in freezer capacity has already been made and this should not be precluded. A minority of the GAP supported option 6b, suggesting this is not a fisheries management issue and thus should not be regulated.

Provision 7: Owner on Board

A majority of the GAP supports option 7b (status quo) as the preferred option, suggesting the current system works well and has not led to outside corporate ownership of the fishery. A minority of the GAP supports a modification of option 7a, requiring the owner to be on board only in the case of "2nd generation" ownership; establishing an emergency exemption in the case of death, injury, or other unavoidable circumstances; and - in the case of corporations or partnerships - requiring only one member of the corporation or partnership be on board.

Provision 8: Nonsablefish cumulative limit stacking

The GAP agreed that this issue needs further discussion and analysis before judgement can be rendered.

Provision 9: Vessels without sablefish endorsements

The consensus of the GAP is that option 9b [no limitation on the daily trip limit fishery] should be the preferred option.

G.7.b. Public Comment

Mr. Jack Crowley, Fishing Vessel Owners Association, Seattle, Washington
Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
Mr. Jim Miller, Seattle, Washington

Mr. John Warner, West Coast Fisherman's Alliance, Charleston, Oregon
Mr. Jim Ponts, longliner, Fort Bragg, California
Mr. Denny Burke, South Beach, Oregon
Mr. John Crowley, Fishing Vessel Owners Association, Seattle, Washington
Mr. Bob Eder, F/V Nesika, Newport, Oregon
Mr. David Lethin, pot and longliner fisherman, Chehalis, Washington
Mr. Bob Eaton, Pacific Marine Conservation Council, Astoria, Oregon

G.7.c. Council Action: Consider Adoption for Public Review

Mr. Alverson moved that the Council approve the options and analysis for public review as shown in Exhibit G.7, Attachment 1 with the following additions, page 1, bottom paragraph, second line "larger producer" should say "as to allow producer" – strike word larger; and on page 2 under primary objectives for permit stacking there should be one that addresses National standards 1, 2, and 3 for the primary objectives; and on page 4, update section 1.3.3 to reflect the recent Council action and what is stated in the strategic plan relative to fixed gear sablefish; page 6 Provision 7 – drop "7c"; page 6 – drop Provision "8"; page 5 – under Provision 3 add a provision to look at ownership restrictions – the five percent that the GAP suggested; permits on page 14 – clarification of the discussion of what an owner is – based on Seger's comments; page 21 the Section 3.3.x, risk of foreign control, add a provision that requires the owner to be a U.S. citizen. Then add a new provision under enforcement that would require a 6-hour prior notice of landing of a stacked quota and a requirement that permits that are stacked must notify NMFS in 2001 by June 30 and there after by January 15 that stacking is going to take place. Under the at-sea processing, adopt a provision by the GAP to grandfather people in as at-sea processors based on 1998, 1999 and 2000 landings (see gap statement). Under provision 4, drop option "4b". (Motion 18) Mr. Anderson seconded the motion.

Mr. Brown stated that it appeared that if permits are stacked with Provision 8 dropped, we would end up exactly in the same place as if the provision was adopted. That part does not make any difference. If someone stacks permits, and then at a later date, other species can be stacked, can an option be added that down the road if the Council creates an endorsement for other species the history of the permits that are stacked pertain to "this date stacked?"

Mr. Alverson said there are two issues, by not having a nonsablefish cumulative limit – if two were put on one boat, they would only be able to have one rockfish trip limit; and issue 2 the placeholder if those permit histories would stay intact. Mr. Alverson said that the implementation of the strategic plan committee would be the proper venue to take that up.

Dr. Radtke, on page 21, risk of foreign control, though I believe it should say "U.S." Ms. Cooney said now it is permits can only be owned by U.S. citizens as tied to the ownership requirements for U.S. documented vessels.

Mr. Alverson said this is more significant for the individual that is second-generation – that is who it specifically accept. I don't know if you can restrict fishing permits to U.S. citizens only, that would come out in the analysis.

Mr. Anderson said he is supporting the motion as it is supportive of the strategic plan adopted yesterday. The permit stacking program is not going to solve all of our problems, but it will go a fair distance to resolve some of them through reduced capacity, addresses safety – healthy economic business ventures. He then went on to explain what venues the strategic plan committee discussed to promote reduced capacity.

Mr. Boydston asked about provision 8 on the nonsablefish issue; he feels this would increase discards – especially slope rockfish. He would like to see a provision that would allow for certainly consideration of stacking of trip limits of slope rockfish by those vessels which stack their endorsements; otherwise we could be creating a discard problem. Mr. Ponts spoke to it in his testimony. He would like to see something in here that allows for it.

Mr. Alverson said maybe an option that does that would allow a 20% bycatch of rockfish with the sablefish catch. If the number is too high, you can string your gear to maximize a rockfish harvest. Some bycatch provision would be acceptable as an analysis to the motion.

Mr. Caito on the bycatch problem – our areas are different. Sometimes they do get a lot of slope rockfish – there should be something in here to accommodate that. Mr. Alverson said they would be willing to accept a friendly amendment – Mr. Boydston said as is worded here you would be under the one trip limit provision and then add another option to allow for a 50% increase in the trip limit for slope rockfish when you have at least one stacked permit.

Mr. Anderson likes the concept, but not the suggestion – it would be taken as a friendly to try to provide for additional bycatch of rockfish; but a 50% of a second trip limit may be appropriate for a tier-one, but not a tier-three – give some flexibility to the development of this.

Chairman Lone – do you accept that as a friendly amendment. Mr. Anderson said no.

Mr. Boydston said how about scratch the 50%, but allow for some adjustments of bycatch in the trip limits for stacked permits.

Mr. Robinson, for the reasons outlined by Mr. Anderson, he would like us to put this program forward. We need a good analysis of that particular provision.

Ms. Cooney is not clear, for the 2nd generation owner does that mean the permit must be held by an individual; or by a partnership with both people on board. Mr. Alverson said it is the former.

Chairman Lone asked for the vote on motion 18. Motion passed.

G.8. Permit Transfer Regulations

G.8.a. Agendum Overview

Mr. Jim Glock presented the overview.

G.8.b. Report and Comments of Advisory Bodies

Mr. Bill Robinson spoke on the following report from NMFS.

NMFS Northwest Region's Fisheries Permits Office administers the Council's limited entry permit program, including permit transfers. The Permits Office acts under the authority of, and is governed by, the groundfish regulations at 50 CFR §660.333-341. Experience with implementing the permit transfer regulations has shown that office several areas where the permits regulations might be modestly updated and changed to make the regulations more clear and less burdensome while still achieving the original goals. Given that experience, NMFS asks that the Council consider the following suggestions as it develops larger changes to the permit transfer regulations:

Restrictions on frequency of transfers would apply only to when a permit is transferred from one vessel to another vessel, not from one permit holder to another permit holder. By restricting permit transfers between vessels, these regulations would continue to constrain effort by limiting the number of vessels associated with a permit in any one year. Allowing more freedom for permit transfers between permit holders who are not changing the vessel associated with the permit would end the confusion of whether to apply the once-per-year restrictions to minor changes in permit owner names (such as an individual becoming a corporation, or a permit owner adding a spouse to the owner name). It would also allow a permit and vessel to be sold together, without being restricted to the one year limit. This change would not allow new effort into the fishery or otherwise weaken the effects of the regulations

Clarify permit transfer requirements for participating in a fishery at the start of a cumulative limit period. Restricting the effectiveness date of permit transfers to the start of the cumulative limit period following the date of the transfer was designed to ensure that no more than one vessel would be associated with a permit per cumulative limit period.

Transferring a permit requires that the persons involved assemble several different documents (original permit, NMFS transfer request form, US Coast Guard or state vessel document, marine survey of vessel length). Often, the Permits Office will receive an incomplete permit transfer request within the last few days of a cumulative limit period, and the person making the transfer will expect NMFS to make the transfer immediately to ensure his participation in the new cumulative limit period. Transfers cannot be made until the Permits Office receives all of the required documents, which can take permit holders several days to assemble. Immediate transfers are impossible because the Permits Office must conduct a violations check with NMFS enforcement before each transfer.

To reduce frustration for permit holders and the Permits Office, NMFS proposes a change to the regulations that would allow a permit holder who submits his original permit and his NMFS transfer request form before the start of a cumulative limit period to participate in the fishery during that period. The Permits Office would not complete the transfer until receiving all necessary documents, but the permit holder would not be prevented from fishing for the length of a cumulative limit period because of timing mishaps. This change is suggested for the convenience of permit holders and would not change the effect of the regulations because the permit would still only be able to be used on one vessel per period.

The suite of permit regulations was initially written to implement the limited entry permit program, and subsequently amended to accommodate the sablefish endorsement program, the three-tier program, and the permit transfer regulations. All of these changes have resulted in a somewhat convoluted set of regulations. NMFS would like to make additional housekeeping changes to update and clarify some of the language in the regulations. These housekeeping changes would not change the effect of the regulations, but would make those regulations easier to read and understand.

G.8.c. Public Comment

None.

G.8.d. Council Action: Initiate Process to Revise Permit Transfer Regulations

Mr. Alverson asked Mr. Moore to explain the GAP recommendation. Mr. Moore said the GAP had a slight problem with what Exhibit G.8 said and decided to just say what the industry wanted. Mr. Alverson moved to initiate a regulatory amendment to modify the permit transfer regulations as included in the Supplemental GAP Report G.8 and the three recommendations by NMFS. (Motion 22) The motion passed.

G.9. Stocks to be Assessed in 2001 and Agency Commitments

Ms. Cyreis Schmitt presented the species proposed for assessment next year. Based on Council priorities and technical staff capabilities, eight assessments are planned: sablefish, shortspine thornyhead, Dover sole, yelloweye rockfish, silvergrey rockfish, black rockfish (south), remaining rockfish, cabezon. She proposed folding yelloweye, silvergrey, and black rockfish into a "remaining rockfish" assessment. She noted the rebuilding analyses also need to be considered in the stock assessment review (STAR) process, noting the SSC has committed to developing terms of reference.

Ms. Schmitt then discussed Pacific whiting, saying she is trying to coordinate with Canada on the assessment and review. Review of the assessment is complicated. If the STAR panel convenes before the end of the year there would be no Canadian involvement, and workload would be a burden due to short turn-around time. Conversely, delaying the review until January - February would delay setting the OY until just prior to the start of the whiting fishery. A third option would be to postpone the assessment and use previous information to set the 2001 OY.

G.9.a. Report and Comments of Advisory Bodies

There were no reports from the advisory bodies.

G.9.b. Public Comment

Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon

G.9.c. Council Discussion

Mr. Robinson suggested the final decision on the whiting OY be scheduled for the March meeting, or the current OY extended for another year. Mr. Bohn asked if extending the OY would satisfy the Magnuson-Stevens Act requirement to use the best information. Mr. Robinson said the issue would come up only if the updated assessment shows something dramatically different. Mr. Anderson was concerned about adopting an OY without knowing what Canada is adopting, especially if the numbers are very different. He emphasized the need to coordinate with Canada so we have the same ABC target. Ms. Schmitt said it was unlikely Canada would perform an independent assessment.

Mr. Anderson suggested the Council delay setting the OY until March, which would afford opportunity to review the assessment and allow participation from the Canada. However, he would also support status quo. Mr. Bohn agreed, saying he would be comfortable if the new numbers were within 10%.

Ms. Cooney said in November the Council will need to determine the exact procedure, but for now establishing a preliminary number should suffice. In November, the Council can decide whether to simply roll over the 2000 OY, or roll it over with the clause that it could be revisited in March.

Mr. Anderson presented a written statement from WDFW on this agenda item.

The Washington Department of Fish and Wildlife (WDFW) reviewed a draft Stock Assessment Review (STAR) Panel schedule for 2001. The proposed schedule includes participation by WDFW assessment scientists on two STAR Panels. WDFW fully supports the STAR process and will provide the names of our reviewers to the National Marine Fisheries Service prior to the November Council meeting. Additionally, WDFW will support 2001 stock assessment efforts by providing summarized catch and biological information and possibly by direct participation on stock assessment team(s).

G.10. Proposed Management Measures for 2001

G.10.a. Agendum Overview

Mr. Jim Glock gave the agenda overview.

G.10.b. Report and Comments of Advisory Bodies

Allocation Committee

Mr. Anderson referred the Council to Agenda G.4. – the portion of the allocation committee report which referred to the proposed management measures for 2001.

California

Mr. Boydston referred the Council to the letter as contained in Exhibit G.10. He said he had not anticipated the need for adjusting the recreational fishery, but limits on species associated with canary, bocaccio, cowcod and lingcod would be needed.

Mr. Tom Barnes gave a presentation about moving the Conception management line, the need for longer closed periods, and the cowcod closed area proposal.

Oregon

Mr. Burnie Bohn presented Supplemental REVISED ODFW Report.

The Oregon Department of Fish and Wildlife (ODFW) proposes the following options for the 2001 Oregon recreational lingcod and canary rockfish fisheries:

Lingcod

Option 1

A one fish daily bag limit and a 24 to 34 inch legal length slot open year round for hook-and-line anglers (status quo). Spear fishing would be open year round subject to the one fish daily bag limit and a 24-inch minimum length (i.e. no 34-inch maximum length).

Option 2

A two fish daily bag limit and 26-inch minimum length restriction. Closed March and April for boat based anglers (i.e. remains open for shore anglers who are estimated to take less than two percent of total Oregon recreational lingcod landings).

Option 3

A one fish daily bag limit and 24-inch minimum length restriction open year round.

Option 3 reflects the increase in lingcod OY for 2001.

Rockfish

Status Quo

A daily bag limit of 10 rockfish with a three canary rockfish sublimit open year round.

Washington

Mr. Anderson presented Exhibit G.10, Supplemental WDFW Report.

Lingcod

The Washington Department of Fish and Wildlife (WDFW) proposes the following options for the 2001 Washington recreational lingcod fishery:

Option 1 (Status Quo)

A one fish daily bag limit and 24-inch minimum length restriction. The fishery would be closed from October 31 through March 31.

Option 2

A two fish daily bag limit and a 24-inch minimum length restriction. The fishery would be closed from October 31 through March 31.

Justification:

Inseason projections of Washington recreational landings for 2000 indicate a 24% reduction in catch (which is primarily the result of the reduction in the daily bag limit from 2 fish in 1999 to 1 fish in 2000).

The lingcod OY is likely to be increased from 47% to 62% (378 mt to 555 - 611 mt). If this increase is to be distributed equitably, consistent with the goal of equitable distribution of impacts, then the 2 fish bag limit (24% increase) seems reasonable.

Rockfish

WDFW proposes the following options for the 2001 Washington recreational rockfish fishery:

Option 1 (Status Quo)

A daily bag limit of 10 rockfish with sublimits of 2 canary rockfish and 2 yelloweye rockfish. The fishery would be open year-round.

Option 2

A daily bag limit of 10 rockfish, no more than 2 of which may be canary or yelloweye rockfish. The fishery would be open year-round.

GAP

Mr. Rod Moore presented Exhibit G.10, Supplemental GAP Report.

The Groundfish Advisory Subpanel (GAP) had an extensive discussion on proposed groundfish management measures for 2001, including those proposed by the Council's Ad Hoc Allocation Committee and options developed by the GAP.

Since the Allocation Committee options primarily involved reductions in fishing time, the GAP first reviewed this general issue. The GAP - as it has in the past - strongly opposes "time off the water" options.

The GAP recommends the Council adopt the following season structure options for public review:

- 1. Status quo.*
- 2. Divide the season into two cumulative limit periods.*
- 3. Treat the entire year as one cumulative limit period.*
- 4. As a sub-option to status quo for trawl limited entry vessels, require vessels to declare which cumulative limit choices they will make, based on fishing strategy. The GAP intends to recommend differential limit choices which reflect the diversity of the fishery.*

Members of the GAP note the management structure used in 2000 involving gear, species, and area restrictions have already accomplished removing vessels from the water during extensive periods of the year. Several GAP members related their own experiences and those of others regarding an observed reduction in fishing effort coast wide and among all gear types.

An analysis of 2000 effort, including logbooks, landings, and other data, will be important prior to making major changes in the management structure. Moving to a formal "time off the water" system will result in several problems that will only exacerbate the economic difficulties faced by the industry. The ability to employ crews both on vessels and in processing plants will be significantly reduced. Vessels will be unable to access those species which are not subject to trip limits, and which comprise an important economic component of the fishery. At the same time, the data available suggests a formal "time off the water" system will result in only slightly increased trip limits.

The GAP is concerned the Council seems eager to once again change the management system without looking at the disruptions that will occur to vessels, processing plants, and long-term business planning. No analysis has yet been conducted of the 2000 management system to see if it is working, which the GAP believes it is. For these reasons, the GAP strongly recommends maintaining the current system as the preferred option.

The GAP is aware Washington and Oregon will propose options for the 2001 recreational lingcod and rockfish fisheries. The GAP recommends the Council adopt the options for public review.

Finally, the GAP reiterates its support for individual quotas as a preferred management option at such time as the Council is able to establish a quota system for all sectors.

CALIFORNIA MANAGEMENT PROPOSALS

The GAP used Exhibit G.10.b - Supplemental CDFG Report as the basis for its comments.

1. *Movement of the southern rockfish/lingcod management line - The GAP opposes moving the line from Lopez Point to Point Conception. Location of the line has no biological impact, but will affect recreational effort and create an economic impact on recreational fishing operations.*
2. *Rockfish and lingcod closure periods - The GAP suggests the proposed November - February closure in the southern management zone be changed to a December - March closure. This will allow recreational charter operations to take advantage of the Thanksgiving holiday period.*
3. *Rockfish bag limit - The GAP suggests establishing a combined rockfish and lingcod bag limit of 10 fish, not to exceed the legal limits for individual species.*
4. *Prohibition on fishing for and retention of certain species - The GAP has no objections to this proposal if sanddabs are not included. The GAP notes the language describing "commercial and recreational fisheries" should be re-worded to be track proposal number 2.*
5. *Reduction of bocaccio bag limit - The GAP supports reducing the bag limit for bocaccio to two fish.*
6. *Reduction of number of hooks used in angling - The GAP supports reducing the number of hooks used to two.*
7. *Season closure for lingcod, cabezon, and greenling - The GAP believes this proposal needs significant clarification before it is considered. For example, does the closure apply to all trawl gear or only exempted trawl gear? How does this closure relate to the proposed closure in option #2, which applies only to fixed gear? How would a prohibition on "fishing" for three particular species be defined and enforced? The GAP recommends the language on "commercial" be modified to track the language in proposal number 2; it is the GAP's understanding this is the intent of the proposal.*
8. *Lingcod bag limit - The GAP supports maintaining the two-fish bag limit, but achieving conservation through an increase in the minimum size to 28 inches.*
9. *Increase in cabezon size limit - The GAP supports increasing the minimum size of cabezon to 16 inches.*
10. *Transport provisions - The GAP believes transportation allowances through restricted areas should be made available for both recreational and commercial vessels.*
11. *Prohibition of cowcod retention - The GAP suggests allowing one cowcod to be retained per boat, unless a zero retention option provides sufficient conservation savings to avoid the need for the closures proposed in option 12.*
12. *Area closures - The GAP recognizes the proposed closures support the conservation of species other than cowcod. However, the GAP has concerns about the enforceability of this proposal, especially sub-option 2. Further, some members of the GAP note this proposal creates a de facto marine reserve without the benefit of public discussion and analysis envisioned by the Council - and supported by the GAP - under the Council's marine reserve policy.*

Enforcement Consultants

Sgt. Dave Cleary, presented the statement from the Enforcement Consultants.

The Enforcement Consultants (EC) have reviewed management measures for 2001. Most of our time has been spent discussing the options proposed by California. I will reference Exhibit G.10.b dated September 2000 & the California proposed options.

The EC had some difficulty in dealing with 12 separate ideas, because enforcement impacts can change drastically depending on how the options interact.

We will go throughout each item and give comments; however, several will be grouped together due to their similarity.

Measure 1 - Enforcement supports the change. Moving the line would eliminate the need for Morro Bay fisherman to land catch by skiff, and transporting fish back to port by vehicles. This would reduce a safety issue identified by the Coast Guard.

Measure 2 (option A)- This is generally the same measure that was applied in 2000 with an extension of time period.

- a. Clearly define fish species restricted from harvest, (i.e., federal managed or state federal managed species?) (Would like federal notice to footnote that the state managed species are also prohibited?)
- b. Will California close shore based commercial open access?

EC notes the enforceability of this management measure can be very high with clear definitions and limited exemptions for different gear types.

Measure 4 (option B)- When used in conjunction with measure 1 (Option B) this addresses some of the previous noted questions. This would be the preferred option.

Measure 7 (option C) - This option appears to eliminate the state managed species.

Measures 3, 5, 6, 8, 9, and 11 - These measures are all types of measures that have been used in the past. With adequate notice, we don't anticipate problems.

Measure 10 (California measure 2)- The EC needs more information to evaluate this.

- a. We are not sure where this would apply?
- b. We are not sure what California listed in the permits for restrictions (i.e., can the vessel fish for other species in the closure?)
- c. Can fish be transported and landed in a closed area?

We have met with California staff, but still need a clearer idea of what they are trying to accomplish and how large an area will be impacted. This could greatly impact the effectiveness of enforcement to enforce area management measures.

Measure 12 - We spent considerable amount of time discussing this option. Our understanding from the California Fish and Game Commission is that this is largely a protection plan for cowcod.

EC recognizes this option raises the same questions that will need to be answered for the Council in Phase II of the marine reserves discussion.

1. Two options are listed for comment. Enforcement sees option 2 as opening the door for abuse by allowing some species to be harvested, but not others. We recommend option one as the preferred option. We also request the California Fish and Game Commission adopt the complementary regulations affecting state managed fisheries.

2. *The type of other fisheries and number of participants in the area will greatly effect the amount of law enforcement presence needed to assure compliance. This relates to the number of at-sea contacts required.*
3. *The EC would recommend that possession of groundfish as well as the prohibition of fishing be added.*
4. *The size of Area 1 and its location 60 miles offshore create some enforcement challenges. This relates mainly to availability of assets and their costs. Preliminary analysis identifies that an enforcement vessel and some kind of air support would be required to monitor the closure. No assets have been identified for use at this time. The following is an estimate of some costs:*

California Fish and Game Boat - \$2,000 per day	USCG 41' Patrol Boat - \$1,334 per hour
California Twin Engine Aircraft -\$750 per hour	HH 60 Helicopter - \$6,306 per hour
USCG 110' Patrol Boat - \$1,010 per hour	HH 65 Helicopter - \$4,559 per hour
USCG 82' Patrol Boat - \$ 790 per hour	

The EC suggest consideration of a smaller bag limit and a possession limit of one daily limit for recreational groundfish with no retention of cowcod. Currently, some vessels engage in multiple day trips that allow them to fish further offshore where cowcod are found. This may curtail effort by the recreational fleet and greatly reduce the number of vessels fishing groundfish in this area.

Please refer to Supplemental EC Report G.10 for the Coast Guard attachment.

G.10.c. Public Comment

- Mr. Kenyon Hensel, open access fisherman, Crescent City, California
- Mr. Robert Ingalls, owner operator F/V Queen of Harts, Half Moon Bay, California
- Mr. William Smith, CPV operator, Half Moon Bay, California
- Mr. Dan Hunt, fisherman, San Francisco, California
- Mr. Gerry Richter, Pt. Conception Groundfish Fishermen's Association, Santa Barbara, California
- Mr. Jim Norman, commercial drag boat, San Francisco, California
- Mr. Pete Leipzig, Fisherman's Marketing Association, Eureka, California
- Mr. Rod Moore, West Coast Seafood Processors Association, Portland, Oregon
- Mr. Jim Bassler, Salmon Trollers Marketing Association, Fort Bragg, California
- Mr. Joe Easley, Oregon Trawl Commission, Astoria, Oregon
- Ms. Michele Longo Eder, F/V Nesika, Newport, Oregon
- Mr. Rick Powers, Golden Gate Fisherman's Association, Castro Valley, California

G.10.d. Council Action: Adopt for Public Review

Mr. Boydston move to adopt for public review and consideration Exhibit G.10.b, CDFG report, with the following clarifications: the proposed closed periods would apply to fixed gear fisheries but not groundfish trawl and exempted trawl, and recreational and commercial fishing from shore would be allowed during the closure periods. With regard to the large area closures in southern California, there may be a provision to allow retention of slope rockfish by fixed gear sablefish fisherman by either depth fishing restrictions or time/area closures. The status quo regulations are understood to be part of the package, this is additional regulation considerations. (Motion 19)

Mr. Anderson asked for a friendly amendment to include the proposals put forth by WDFW for the recreational fishery. Mr. Bohn asked about the revised ODFW report to include that too. Both the maker and the seconder agreed. Motion 19 passed.

Mr. Anderson expressed his great frustration about the process, the lack of time and information for careful analysis and consideration, and his desire to get out of this cycle. The proposals from the Allocation Committee and GAP are inadequate. He suggested Council members commit to do some regional/state meetings in the next couple of weeks with industry and come up with alternatives, meet a week after that, have

analysis done on that, go out for public review, then adopt in November. That may include us going to status quo for January and February for 2001. We had 100 pound trip limits for canary rockfish last year when OY was 200 mt, and we got 60 mt this year. He said we have got to get out of this box, and a process like the one he proposed is the only way the Council can get through 2001. Mr. Boydston concurred and stressed the need to get together before November. Mr. Bohn agreed the whole Council shares the frustration. Council members discussed how to proceed. Mr. Boydston said he will work with his staff to have the most complete information; he needs to have some idea of what the strategies are before we get to the meeting.

Mr. Anderson envisioned the states taking responsibility for holding state meetings to discuss what management strategies might work, and then putting them together as soon as possible. There are some ideas out there in industry to help us make a better decision in November. Both canary and darkblotched rockfish have the potential to cause huge reductions in trip limits and other management.

Mr. Alverson moved the Council adopt the alternative ways to credit discards in the sablefish fixed gear and trawl fisheries in Exhibit G.10, Supplemental GMT Report 2 dated September 2000: options 2001b, 2001c, and 2001d. He also wanted a report of the chronological actions the Council has taken in sablefish trawl and fixed gear. (Motion 20) Motion 20 passed.

The Council recessed and took up this agenda item the next day.

Mr. Anderson said the Council needs to put out for public review some management alternatives for analysis and to set the "side boards" for final action in November. There is no doubt some of the preliminary OYs are going to require substantial cuts in harvest in 2001. Referring to the Allocation Committee Report G.4. and the GAP Report Exhibit G.10.b., he moved sending out the following measures for 2001 for public review and analysis. Working from the Allocation Committee Report, page 3, each limited entry vessel may be allowed to harvest groundfish during two two-month periods during the fishing year – a period will consist of two consecutive calendar months. One period must be selected during the first six months of the year, and one during the second five months of the year. The two month period starts when the vessel makes a landing in any given month. Additional opportunities will be in December, which will be a default period of the entire limited entry fleet. Option 2 would be to pick 3 months in the first 6 months, then 2 months for the next 5, and December. The open access fishery would be open from April through September (a six month fishing period). In addition to those two alternatives, working from GAP report, divide the season into two cumulative limit periods. The status quo is to be analyzed by the GMT to show reductions and trip limits necessary to achieve the 2001 OY targets. (Motion 21) Made by Phil Anderson, seconded by Bob Alverson.

Mr. Boydston said he would like to provide for a nominal amount (500 pounds) of nearshore rockfish for open access fishers during the January-April and October-December periods to provide for the live fish fishery. Both the maker and seconder accepted this as a friendly amendment.

Mr. Anderson clarified that vessels that participate in the whiting fishery would have to select a time period that fits their whiting fishing operations. The pink shrimp fishery would continue to provide for the level of groundfish bycatch.

Mr. Brown asked for clarification about groundfish landings by pink shrimp fishers: would those boats have to land their groundfish in that manner? This is an extreme change and should be included for public comment. Mr. Anderson accepted that as a friendly amendment. Mr. Brown said there could be double dipping if a vessel chooses periods outside the pink fishery to land groundfish. He suggested vessels either land as a groundfish fisher or a pink shrimp fisher, but not both. Both the maker and seconder agreed that as a friendly amendment.

Mr. Caito asked if open access fishers have to pick time periods, and Mr. Anderson said yes. Mr. Anderson clarified the GAP options: status quo, and dividing the season into two cumulative periods. January - June and July through December. The fourth is the suboption status quo which would envision creating some different types of strategies and the vessel could pick which strategy they fished in, he did not include that specifically but thought it could fit w/in the parameters if side boards were established – just to get this out for review. Mr. Brown said we may want to statement the possibility we may have to require boats to make declarations of fishing periods and times. Mr. Anderson said that once the vessel made the first landing, that would start

its "fishing period"; so no declaration is needed – but under the other fishing regime, we might have to have the vessels declare what fishing strategy they are going to use for that year.

Mr. Alverson asked how the motion addresses open access. Mr. Anderson said the daily trip limit fishery for sablefish for open access is limited to six months. The primary rationale for open access is to allow incidental catches of other species. We need a shorter time frame in which they take the sablefish so we can account for rockfish bycatch in the landings. Fishers in the regular and mop-up sablefish fisheries would have to select appropriate times in the second half of the year; so again accounting for the bycatch of other species that occur in that fishery.

Mr. Hansen said commercial vessels are going to have to coordinate with their processors.

Mr. Brown and Mr. Anderson suggested the Council consider the possibility of requiring shrimpers to use fish excluders. They would include in the motion a recommendation to the states that they require fish excluders. Both the maker and seconder agreed. Motion 21 passed.

Mr. Anderson asked about an Allocation Committee meeting sometime in Mid-October; committee members agreed to meet the October 23-24 at 9:30 a.m. Dr. Hanson asked to coordinate the allocation and strategic plan implementation committee meetings with an observer program meeting in Gladstone.

Mr. Boydston made a motion that limited entry fixed gear fisheries south of Pt. Conception have an option similar to limited entry fixed gear to the north but a year-round opportunity for slope groundfish, specifically under this option the fishery for shelf and nearshore species would be closed during January, February, November and December, or corresponding to the recreational closures in that area; have a primary fishery for shelf and nearshore April through September and a small nearshore during the remaining months of 500 pounds. For slope groundfish (rockfish and sablefish), there would be a year-round opportunity. Mr. Roger Thomas seconded the motion. (Motion 23) Mr. Brown asked for a friendly amendment to add a footnote to the recreational options adopted yesterday, that if 2000 recreational landings of canary rockfish are excessive, further restrictions need to be applied. He cited the allocation report, page 2. We need to notify the recreational community of that in brackets, and that footnote would serve as notification which may be required. Mr. Boydston and Mr. Thomas accepted the friendly amendment. Mr. Boydston agreed that the allocation committee did not have the same information we have now. He also noted that as a result of the lack of information, California did not file regulations that include canary rockfish. Motion 23 passed.

G.11. Status of Fisheries and Inseason Adjustments

G.11.a. Agendum Overview

Mr. Glock gave the overview and referenced Supplemental GMT Report G.11.

G.11.b. Report and Comments of Advisory Bodies

CDFG

Mr. Boydston noted that this presentation is a continuation of the discussions we had at our June meeting. There was major concern about the data from MRFSS.

Mr. Tom Barnes then presented Exhibit G.11.b, Supplemental CDFG Report. He said it appears recreational catch of bocaccio will exceed the OY (143 - 261 mt, compared to the 100 mt OY). Recreational lingcod catch is projected to reach 319-325 mt.

GMT

Mr. Brian Culver presented the GMT Report, noting the GMT and GAP reached consensus.

GAP

Mr. Moore summarized the GAP Report.

The Groundfish Advisory Subpanel (GAP) met jointly with the Groundfish Management Team to discuss inseason adjustments and offers the following consensus recommendations. Except as noted, the adjustments are to be made for the cumulative period beginning September 1, 2000.

Limited Entry Trawl

1. *For minor slope rockfish in the south, increase the limit to 20,000 pounds per two-month cumulative period through the remainder of 2000.*
2. *For yellowtail rockfish using midwater trawl gear, maintain a 30,000 pound limit per two-month cumulative period through the remainder of 2000.*
3. *For yellowtail rockfish taken incidentally by vessels using small footrope gear while harvesting flatfish and arrowtooth flounder, maintain through the remainder of 2000 the regulations currently in effect, except the total amount of yellowtail per trip taken in association with arrowtooth flounder and/or other flatfish may not exceed 2,500 pounds. **This change to go into effect beginning November 1, 2000.***
4. *The limit for other flatfish taken using large footrope trawl gear will be increased to 1,000 pounds per trip. **This change to go into effect beginning November 1, 2000.***
5. *The cumulative limit for arrowtooth flounder will be increased to 20,000 pounds per trip. **This change to go into effect beginning November 1, 2000.***
6. *For the cumulative period beginning September 1, 2000, the cumulative limit for sablefish will be increased to 12,000 pounds. For the months of November and December, 2000 the monthly limit for sablefish will be increased to 6,000 pounds.*
7. *The limit on taking sablefish under 22 inches in length is repealed for the remainder of 2000.*

Limited Entry Fixed Gear

1. *The cumulative limit for nearshore minor rockfish in the north will be increased to 10,000 pounds per two-month cumulative period for the remainder of 2000, with no more than 4,000 pounds being species other than black or blue rockfish.*
2. *The cumulative limit for nearshore minor rockfish in the south will be increased to 6,000 pounds per two-month cumulative period for the remainder of 2000.*
3. *The cumulative limit for minor slope rockfish in the south will be increased to 20,000 pounds per two-month cumulative period for the remainder of 2000.*
4. *For the daily-trip-limit fishery north of 36°, vessels may take 400 pounds per day, with a cumulative limit of 8,000 pounds per two-month period; or 1,000 pounds per week with a cumulative limit of 8,000 pounds per two-month period. Vessels may not apply both the daily and weekly limits within the same week.*
5. *For the remainder of 2000, the prohibition on taking sablefish less than 22 inches in length is repealed.*

Open Access

1. *The limit for minor slope rockfish in the south will be increased to 3,000 pounds per two-month period for the remainder of 2000.*
2. *The limit for minor nearshore rockfish in the south will be increased to 4,000 pounds per two month period for the remainder of 2000.*
3. *The limit for minor near shore rockfish in the north will be increased to 6,000 pounds per two-month period for the remainder of 2000, with no more than 2,000 pounds being species other than black or blue rockfish.*
4. *Vessels operating in the daily-trip-limit sablefish fishery north of 36° may take 300 pounds of sablefish per day or 1,200 pounds of sablefish per week with no cumulative limit for the remainder of 2000. Vessels may not apply both the daily and weekly limits within the same week.*

G.11.c. Public Comment

Mr. Roger Ingles, F/V Queen of Hearts, Hayward, California
Mr. Kenyon Hensel, open access fisherman, Crescent City, California

G.11.d. Council Action: Consider Adjustments in Management Measures

Mr. Boydston moved to adopt Exhibit G.11, Supplemental GMT report, September 2000 with the following modifications: for limited entry, fixed gear for minor nearshore rockfish south, instead of 6,000 pounds for two months – change it to 9,000 pounds for September-October. For November -December, change it from 6,000 pounds to zero or 3,000 pounds depending on closure in the recreational fishery in that area for rockfish and lingcod. For open access minor nearshore, where it says proposed for September -October, 4,000 pounds– change it to 6,000 pounds and then for November -December. Make it zero or 2,000 pounds, depending on closure in the recreational fishery in that area for rockfish and lingcod. Those changes would correspond to changes in regulations for recreational fisheries south of Conception. No recreational closure is anticipated between Conception and Cape Mendocino. Mr. Jim Caito seconded the motion. (Motion 24)

Ms. Cooney explained the Federal Register notice would need to clearly explain that if the Fish and Game Commission recommends closures, then the Council recommends that NMFS change the federal measures to reflect the recommendations of the Commission. She asked exactly where the lines are. Mr. Boydston said between Conception and Cape Mendocino, these closures would not apply – if there is a closure it would apply south of Conception. Ms. Cooney said this brings up the line crossing provisions, and she did not recall if they are in the regulations this year. She reminded the Council the federal regulations state that if a vessel fishes on the side of a line with a more conservative limit, the conservative trip limit applies during the entire fishing period no matter where else the vessel operates.

Mr. Anderson asked the GMT about the suggestions during public comments to increase nearshore rockfish in the north from 6,000 to 8,000 pounds with no more than 2,500 being black or blue rockfish. Mr. Culver said the Council has already pushed the GMT's comfort level going to 6,000 pounds. The GMT struggled over this and is sympathetic to the fisherman in that area.

Mr. Don Hansen asked if the bocaccio OY will be reached. Mr. Culver said the limited entry sector is at 25.8% of its harvest guideline and open access is at 12.5%. The question is how to resolve the recreational estimate. Mr. Hansen said he believes the charter/party boat recreational sector has changed their way of fishing and catch will be less than the GMT is projecting.

Mr. Brown asked the GMT for help about current lingcod landings and projections. Mr. Culver said the open access sector reached its harvest guideline in August. The limited entry sector is only at 35.4%. The recreational catch projection is unclear. The GMT believes the current CDFG projection has the potential to substantially underestimate total catch. Right now it looks like we're under the OY, but the California sport catch is likely to put us over if no action is taken. Mr. Brown, Mr. Anderson and Mr. Boydston discussed whether action is necessary, ways to keep the total catch within the OY, and whether the limited entry sector should be closed as well as recreational. Mr. Boydston expressed reluctance to take drastic action such as a fishery closure without a clearer indication that recreational catch will be much higher than the preseason estimate. Mr. Brown was concerned that if action was postponed until November, it could be too late. Mr. Bohn said it appeared to him that the vast majority of the catch is in the California sport fishery, which may be taking more fish than the coastwide commercial catch plus Oregon and Washington recreational catch. The only place to make a significant impact is in California. Mr. Boydston concurred and said he will prepare for emergency closure of rockfish south of Conception and lingcod south of Mendocino in October. He suggested that rather than recommending immediate federal action, the Council could authorize NMFS to take action for lingcod between now and November if necessary. Mr. Brown asked for a friendly amendment to include closing limited entry lingcod as soon as possible. Motion 24 passed.

Mr. Boydston moved (Motion 25) that the Council send another letter to the California Fish and Game Commission to take action at its next meeting to control the recreational catch of lingcod (use same letter as last time, but enclose data used at this meeting). Mr. Don Hansen seconded the motion. Motion 25 passed.

Ms. Cooney asked for clarification on the NMFS action, and did it conclude both recreational and commercial? Mr. Boydston said yes. He also said he would discuss the MRFSS program with the allocation committee as he is very uncomfortable with that program with the way it is structured right now; we cannot continue the staff time in verifying the numbers.

H. Highly Migratory Species Management

H.1. Update on Fishery Management Plan Development

H.1.a. Agendum Overview

Mr. Dan Waldeck presented the overview for the Highly Migratory Species agenda item, noting it was not an action item but an update on development of the HMS FMP. He reviewed items in the briefing book and who would be presenting information to the Council. He noted the voluminous public comment received by the Council about the proposal for the use of pelagic longline gear – about 20 letters and approximately 3,000 postcards were received in opposition to a West Coast longline fishery. About 4% of the cards came from the West Coast states, 35% from New Jersey, the majority were from East Coast states. He also pointed out a letter from the World Wildlife Fund.

Mr. Fougner gave a brief update regarding HMS in the international arena. Noted the Multilateral High Level Consultation concluded the first week of September with an agreement creating a new international arrangement for conservation and management of HMS throughout the Pacific Ocean west of 150 degrees. This agreement will have some effect on the Council as the arrangement includes stocks that migrate between western and eastern Pacific. The details of the agreement are not yet clear, there will be an organizational meeting next year. Inter-American Tropical Tuna Convention matters reported on in June have moved forward, notably vessel registry of information about all vessels fishing for tuna in the eastern tropical Pacific. He discussed the registry with the advisory subpanel to get assistance and advice on how best to obtain the information from US vessel owners.

H.1.b. Report and Comments of Advisory Bodies

HMSPDT

Dr. Dale Squires provided a summary of the most recent Team meeting, noting the Team was not seeking guidance on any matters. He introduced Dr. David Au, NMFS, SWFSC, who discussed research to estimate MSY for different species. One-third of HMS are managed internationally, MSY estimates are being developed for those species. He is estimating the fraction of stocks that could be harvested under Council jurisdiction. Most West Coast pelagic fisheries harvest less than 5% of stock, which has nominal impact on overall stock. For bluefin and albacore tuna, harvest is closer to 25%, many (40%) targeted bluefin are immature, could be a problem for the overall stock. For tunas, currently only have MSY estimates for albacore and yellowfin, lack data for other species. He is currently developing production curves in a non-traditional way, which uses life history data rather fishery-dependent data. That analysis indicates thresher shark somewhat below MSY, but not overfished. The statement to the Council from the Team follows:

1. Introduction

This progress report of the Highly Migratory Species (HMS) Plan Development Team (PDT) summarizes the work to date on the HMS fishery management plan (FMP). This is work in progress which may be revised or amended at a later date.

2. Summary of PDT Meeting

The PDT met in La Jolla, California from July 17 through 20. The meeting started with a discussion of species within the management unit. The public expressed concern over inclusion of some sharks within the management unit based on the lack of data on maximum sustainable yield (MSY). Dr.

Chris Boggs (Western Pacific Fishery Management Council (WPFMC), Chair, Pelagic Fishery Management Team) discussed longline regulations, bycatch issues, and the recent closure mandated by a U.S. District Court to protect sea turtles. The PDT next discussed regulations for high sea operations, specifically whether longline regulations should be consistent between the WPFMC and the Pacific Fishery Management Council (Council). Svein Fougner discussed recent registry requirements instituted by the Inter-American Tropical Tuna Commission (IATTC) and the fact the National Marine Fisheries Service (NMFS) may have to require licensing of all commercial and charter vessel seeking HMS to comply with the requirement.

The PDT initiated a discussion on pelagic longlining in the exclusive economic zone (EEZ) following the Council's mandate to look at the feasibility. This meeting attracted an unusually large number of concerned individuals. Members of the PDT explained the Council process, carefully describing the functions of the Council, PDT, and Advisory Subpanel to ensure that the public was aware of which body to express their concerns. Chuck Janisse introduced a longline proposal calling for establishment of a single federal regulatory structure for the west coast, limited entry to those already holding state longline or drift gillnet permits, and closure of nearshore areas (< 25 miles) except in southern California where the closure would be roughly inside the Channel Islands and south to the Mexican border. The fishery would focus on large bluefin tuna. Rich Hamilton submitted an alternative proposal calling for no longlining inside 200 miles, quotas, vessel monitoring systems, 100% observed trips, and time/area closures. Beth Mitchel, NOAA General Council, explained the Magnuson-Stevens Act does not provide authority to manage a fishery that exists only outside the EEZ. The PDT discussed the longlining issue and developed four options to evaluate, going from open access to no longlining. The PDT also developed a set of evaluation criteria and identified data sources for the evaluation.

Steve Crooke and Norm Bartoo were assigned the task of evaluating the limited data available on commercial tuna catches to determine if area/time closures can be used to avoid commercial/sport fishing conflicts. A commercial shark fisherman recommended the FMP allow the landing of shark fins so long as they were identifiable with a shark carcass (bagged and kept with the carcass). The PDT discussed state and federal regulations for experimental gear permits. State regulations allow for experimental fishing but differ in some respects. Federal regulations allow experimental fishing only after 90 days written notice to the appropriate Council. There was a discussion on the format of mandatory logbooks for commercial and partyboats. The discussion centered on whether there should be one federal logbook or separate state logbooks with similar data elements. The PDT agreed to adopt the WPFMC logbook format for the longline fishery if one is authorized.

The PDT added three new sections to the FMP. The Migratory Bird Treaty Act will be addressed in Chapter 9 (Relationship to Other Laws). Section 1.12 (Definition of Terms) and Section 3.4 (Stock Assessment and Fishery Evaluation -- SAFE report) were also added. No changes were suggested for the management objectives adopted by the Council in June. The PDT will consider bonito as an associated species (for bycatch and data collection purposes) pending its inclusion in the Coastal Pelagic Species FMP. Acting on a recommendation from the Advisory Subpanel, white sharks and basking sharks were designated as prohibited species for commercial and sport fisheries coast wide.

Christina Fahy (NMFS) summarized requirements of the Marine Mammal Protection Act and Endangered Species Act. Svein Fougner (NMFS) stated that the FMP should include information on the extent of interactions of HMS fishing gear with protected species and the impact of fisheries on the status of protected species. Peter Dutton (NMFS) and Scott Eckert, (Hubbs-Sea World Research Institute) presented life history information on sea turtles. Maura Naughton (U.S. Fish and Wildlife Service) presented information on short-tailed, Laysan, and black-footed albatross. Steve Crooke described HMS sport fisheries on the west coast, including interactions with protected species and bycatch. He also described regulatory discards of white shark, basking shark and striped marlin. Cindy Thomson (NMFS) described potential sources of data on recreational fisheries. Two long term biological databases are available (Marine Recreational Fisheries Statistics Survey and Commercial Passenger Fishing Vessels logbooks in California) as well as several short term economic databases.

The PDT discussed bycatch as defined by the Magnuson-Stevens Fishery Conservation and Management Act – fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Bycatch does not include fish released alive under a recreational catch and release fishery management program. National Standard 9 of the Act requires that fishery conservation and management measures shall, to the extent practicable, minimize bycatch, and to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. FMPs must establish standardized reporting methodologies to assess the amount and type of bycatch. “Fish” includes all marine animal and plant life, other than marine mammals and birds. Part of the discussion centered on what constitutes a recreational catch and release program. Beth Mitchell clarified that this is a situation where retention is prohibited by regulation. Therefore, the current voluntary release of striped marlin by anglers in southern California is not considered a catch and release program, and the released fish are considered bycatch. The PDT agreed that the FMP will include a list of all species caught by HMS gears, which includes landed catch and bycatch, to the extent information is available. Landings data will come from PacFIN and bycatch data will come from observer programs and other sources.

Under a discussion of protected species, the PDT added megamouth shark to the list. Few megamouth sharks have been caught in the driftnet fishery. The PDT also recommended that there be a requirement to land megamouth sharks which cannot be released alive, for scientific purposes. Sixgill and sevengill sharks were discussed as possibilities for prohibited species but rejected by the PDT. Pacific salmonids, Pacific halibut, and Dungeness crab are prohibited by regulations implementing other Pacific Council FMPs and need to be included in the regulations implementing the HMS FMP as well. These species may be taken if otherwise authorized by the regulations for these species (e.g., salmon may be landed by troll gear during authorized seasons).

The PDT reviewed preliminary drafts of two versions of framework procedures, one version is modeled after the process used by the Western Pacific Council for pelagic fisheries, and the other is similar to the process used in the groundfish and coastal pelagic species FMPs of the Pacific Council. Framework procedures provide for the adjustment of management measures without the need for amending the FMP. The PDT indicated a preference for the Pacific Council model.

There was discussion about management of the driftnet fishery and whether the current state regulations should be incorporated in the federal regulations. Should this include an option for no driftnet fishing off of Washington? The federal regulations cannot include such prohibitions without an acceptable rationale. Washington prohibited driftnetting to protect thresher sharks, sea turtles, and birds. Oregon has similar concerns but is allowing a limited number of permits to driftnet for swordfish and adopted area closures to protect thresher shark. The PDT needs to develop and analyze a driftnet fishery package that addresses concerns about sharks and protected species.

Conservation and management measures adopted by international forums need to be implemented in U.S. waters. Currently, IATTC recommendations are implemented by the U.S. under the auspices of the Pacific Tunas Act. The convention to be created for the central and western Pacific also will require domestic implementing legislation. Presumably, the Pacific area councils will have a role in this process, but this is not certain.

The PDT discussed methods of reporting bycatch include observers, logbooks, and interviews. Observer programs for HMS fisheries (in addition to the driftnet program) may be necessary. Requiring full retention would allow bycatch to be enumerated and may provide an incentive to reduce bycatch. It may be best for managers to set bycatch standards and let the industry devise solutions to meet the standards. There is a built-in incentive to avoid bycatch. Fishermen lose time and money handling bycatch. Steps have already been taken to design gear to reduce bycatch. The FMP should include a description of methods currently being used in the fishery to minimize bycatch. Measures to minimize mortality of fish released by anglers include handling techniques, heavy line, corrodible hooks, circle hooks, de-hooking devices, and line cutters.

Andy Oliver (World Wildlife Fund) presented a concept paper entitled “Performance Standards: Creating Incentives to Reduce and Minimize Bycatch in the HMS Fisheries of the West Coast.”

Incentives might include catch priority, individual or sector bycatch allowances, point systems with observer incentives, or shared community bycatch quotas.

The PDT will examine various seabird mitigation techniques adopted for Western Pacific longline fisheries. Maura Naughton will keep the PDT informed about the new biological assessment for short-tailed albatross. Scott Eckert and Peter Dutton will offer suggestions for turtles. There is a need to include mechanisms to evaluate new methods for reducing interactions with protected species. It was suggested that the Cetacean Take Reduction Team process be utilized to help identify measures.

Sam Herrick summarized the problems with the PacFIN database and presented recommendations for improving the system. In the short term, the PDT needs to devise a method of eliminating landings by non-HMS gears. In the long term, changes are needed in the data systems. Sam Herrick was assigned the task of devising a screening method and will document his assumptions for PDT review. The state PDT members will approach their member of the Data Committee to address system changes. It was agreed that the authors of each major section of the FMP would address research and data needs for their respective areas and this information would be compiled for inclusion under this section. Some of the obvious needs include information on bycatch, survival of released fish, shark biology and status, and the recreational fishery (especially slip boats). There was also a discussion about the need to obtain information on catches in Mexican waters.

The PDT discussed the status of drafts of each section of the FMP and updated the status document as appropriate. Beth Mitchell presented a draft of the description of treaty Indian rights.

The August PDT meeting was canceled in order to allow for a 2-day Advisory Subpanel meeting in September. The next PDT meeting will be September 26-28, 2000, for 3 full days. The meeting will be held at NMFS, Southwest Fisheries Science Center, La Jolla, California on September 26 and 27, and at Hubbs-Sea World Research Institute on September 28 (the large conference room at the NMFS is not available on September 28).

HMSAS

Mr. Peter Flournoy summarized the HMSAS report.

The Highly Migratory Species Advisory Subpanel (HMSAS) met from 1 P.M. until 6 P.M. on September 11, 2000 and from 8:30 A.M. to 3:30 P.M. on September 12, 2000, to consider the items set forth in the HMSAS's agenda. This report summarizes the HMSAS's discussions. A more complete record of discussions will be contained in the summary minutes which will be made available subsequent to this Council meeting. The summary minutes from the last HMSAS meeting on June 29, 2000 is available from the HMSAS.

During the HMSAS's two days of meetings, written reports on various national and international developments were submitted for information. These included a report on the last Highly Migratory Species Plan Development Team (HMSPDT) meeting in La Jolla, California July 17-20, 2000; two Resolutions from the June 2000 Inter American Tropical Tuna Commission (IATTC) meeting in Panama on a regional vessel register (and accompanying drafts of a NMFS prepared questionnaire and supporting statement) and on bycatch; the final meeting of the Multilateral High Level Conference (MHLC) in Hawaii from August 28-September 6, 2000 which resulted in an international Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific; Turtle Island Restoration Network v. National Marine Fisheries Service (San Francisco); Turtle Island Restoration Network, et al. 60 Day Notice of Intent to Sue under Section 7 of the Endangered Species Act dated July 6, 2000; Center for Marine Conservation et al. v. National Marine Fisheries Service (Honolulu); the Steller Sea Lion case in Alaska; consultations under the United States - Canada Pacific Albacore Treaty; and Comments on the March 9, 2000 Control Date Federal Register notice (no comments received).

Dr. Sue Smith, NMFS, La Jolla, California made a presentation on the proposed "Species Monitoring Index". After this presentation the HMSAS passed a motion to have the HMSPDT write up an explanation of the Species Monitoring Index for submission to the Scientific and Statistical Committee for their review and comment, as soon as possible.

A presentation was made by Dr. David Au, NMFS, La Jolla, California concerning recent efforts which he and Dr. Smith have made to calculate maximum sustainable yield (MSY). It was not clear whether Dr. Au's calculations had been based on data derived from information on log books or on fish landing tickets (fishtickets). Dr. Au will be clarifying this. In addition, it was suggested a written explanation of Dr. Au's and Dr. Smith's work would be beneficial to the HMSAS. It was agreed these items could be discussed further at the HMSPDT meeting scheduled for September 26-28, 2000 in La Jolla.

Mr. Will Daspit of the Pacific States Marine Fisheries Commission gave a presentation on Pacific Coast Fisheries Information Network (PacFin) data collection and uses. He was assisted in this presentation by Mr. Gerry Kobylinski, PacFin data manager for California. There followed a discussion of ways to improve data collection. It was pointed out that area of catch information on fishtickets filled out by, or submitted through, fish purchasers was notoriously inaccurate to the point of being useless, at best, and misleading, at worst. The discussion identified the need for an educational program, as well as regular consultations, involving those entities collecting data and fishermen supplying the data. After further discussion it was suggested a joint sub-committee be set up with the HMSPDT to develop and design uniform and appropriate data collection systems. Mr. Pete Dupuy and Mr. Chuck Janisse of the HMSAS volunteered for the sub-committee, and it was suggested that other members of the sub-committee from the HMSPDT would be Dr. Sam Herrick, Dr. Dale Squires and Mr. Steve Crooke.

There was a discussion and a request to obtain further information from the proponents of including long line gear as a potential gear type under the fishery management plan (FMP). The need for a scientific evaluation of this proposal was urged, and, therefore, this matter was referred again to the PDT for further study.

The HMSAS discussed refining its position on shark finning. At the last HMSPDT meeting there had been the suggestion that rather than follow the current state regulations as currently enforced, fins from dead sharks could be removed at sea from carcasses, placed in a plastic bag, and then attached to the carcass. This would permit efficient cold storage of the shark carcasses and guard against fins being collected from discarded shark carcasses. An additional proposal was submitted at this meeting by a HMSAS member which read:

In considering alternatives for enforcement of the previous recommendation that the prohibition of finning of sharks without landing the carcass should be prohibited in any management and conservation alternatives developed, such alternatives should be crafted in such a way as to give fishermen flexibility to comply with this prohibition in ways that are consistent to the particular operation, as well as the flexibility to store, treat, or otherwise cure fins in order to maximize their marketability. To this end, a system that limits the number of shark fins in a fishermen's possession to four times the number of shark carcasses in his possession is recommended as the preferable alternative for enforcement of the prohibition against finning of sharks without retention of the carcass.

A motion was made to refer these proposals to the HMSPDT for analysis, with a vote of seven in favor and one (Domeier) opposed.

Bag limits for highly migratory species (HMS) recreational fishing was discussed resulting in a motion recommending the states set recreational bag limits for all HMS, and specifically that California establish a bag limit of 10 fish for all tuna species. The motion passed with a vote of seven in favor and one (Fricke) opposed. The representative from the State of Washington does not believe bag limits are necessary at this time.

The management objectives as set forth in Supplemental HMSPDT Report E.2(2), June 2000, Revised Appendix V were discussed and by a vote of five in favor and three against no new recommendations were made. A companion motion was made that:

The HMSAS recommend to the Pacific Fishery Management Council (Council), directly, and through the Council to the HMSPDT, that all conservation and management measures by the Council of HMS, particularly of tuna and tuna-like species, which are to be conserved and managed under the MHLC, as well as any other regional convention, or treaties, be reasonably consistent with those conventions and treaties.

The motion passed with a vote of five in favor, two (Domeier, Fletcher) opposed, and one abstain (Fricke).

There was a brief presentation by Ms. Kate Wing, Natural Resources Defense Council, of proposed performance standards and incentives as they relate to bycatch. A detailed discussion will be scheduled for the HMSPDT's next meeting.

The "Statement to the Pacific Fishery Management Council by the Highly Migratory Species Plan Development Team, September 13, 2000" was discussed. Since there were no specific requests by the HMSPDT for Council guidance, the HMSAS did not formulate specific comments. Generally, it was emphasized again that management measures needed to be uniform throughout the range of the HMS species which will be subject to the FMP. This includes close coordination between the various Pacific coast states under a federal management system, cooperation between the three management councils in the area (Pacific Council, North Pacific Council, and Western Pacific Council), and consistency with management measures set forth by the IATTC and/or the MHLC.

The HMSPDT's work schedule was reviewed and the HMSAS set two meeting dates: Monday, October 30, 2000, in Portland, assuming the Council can schedule any HMS matters for the morning of ~~Tuesday, October 31, 2000~~ ~~Assorted~~ through the first week in February 2001, with additional funding as needed to permit the HMSAS to meet, review, discuss, and comment on the Draft FMP before its submission to the Council.

Mr. Don Hansen asked about bag limits for tuna. Mr. Flournoy responded the recommendation was for 10 fish per day in California, but not necessarily in Washington or Oregon. Mr. Lone asked if the daily bag limit was for all tuna species. Mr. Flournoy responded it is the number of fish per day, rather than number of fish per trip.

Mr. Alverson asked why the HMSAS chose a bag limit of 10. Mr. Flournoy was not sure, 5 too few, 20 too many; the point was to remind recreational anglers of the need to conserve fish.

Mr. Fougner asked if the HMSAS recommendation was intended for states to take action immediately or as part of HMS FMP. Mr. Flournoy believes the intent was for the Council to take action at this meeting to recommend to the states adoption of bag limits.

Mr. Anderson also asked about the bag limit recommendation was a limit of 10 all tuna species caught or 10 of each tuna species caught? Mr. Flournoy responded he thought the intention was "each."

Mr. Anderson, regarding the management objectives in revised Appendix 5, can you characterize the differences of opinion on the HMSAS.

Mr. Flournoy responded, the HMSAS discussion of the draft management objectives focused on simplifying the objectives by deleting items already codified in the Magnuson-Stevens Act and Marine Mammal Protection Act. Also concerned that FMP would need revision if Magnuson-Stevens Act were revised. The concern was also about species managed internationally, and preventing application of more stringent regulation under the FMP than in international treaties.

H.1.c. Public Comment

Mr. Chuck Janisse, Federation of Independent Seafood Harvesters, Ventura, California
Mr. Peter Flournoy, American Fishermens Research Foundation, San Diego, California
Mr. Ron Gaul, Recreational Fishing Alliance, Oakland, California
Ms. Kate Wing, Natural Resources Defense Council, San Francisco, California
Mr. Tom Raftican, United Anglers of Southern California (UASC), Huntington Beach, California
Mr. Bob Osborn, UASC, Lakewood, California
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, Washington
Mr. Dave Elmer, UASC,
Ms. Tana McHale, Western Fish Boat Owners Association, Sacramento, California

H.1.d. Council Guidance

Mr. Fougner stated that a significant amount of concern has been expressed by the albacore troll fleet (especially up North) about Canadian vessels fishing under the US/Canada Treaty. NMFS held discussion with the US Department of State, who in turn has discussed the issue with Canada. NMFS is trying to establish a technical consultation on the Treaty (late October), and will report on the results to the Council at the November meeting. Concern is over the number of Canadian vessels fishing in the US zone.

Mr. Anderson inquired about who from the US would attend the meeting. Mr. Fougner responded it would be NMFS and US Department of State representatives. NMFS intends to establish consultation with the US industry prior to the meeting.

Mr. Waldeck clarified for the Council that this is a guidance item. He noted the HMSPDT specifically noted they were not seeking guidance, the HMSAS had several recommendations in their report, which the Council may chose to consider.

Mr. Alverson asked why have we received so many of these letters for people not wanting us to take action on pelagic longline. Mr. Waldeck explained that the Council has not taken any action on the FMP, rather the Council asked for analysis of the use of pelagic longline gear. This request has raised concern amongst the public, who responded in large numbers.

Mr. Anderson spoke to the HMSAS recommendation for state bag limits; he noted that WDFW would discuss the issue with Washington state recreational fishers. If something substantive comes from those discussions, WDFW will bring it back to the Council.

Mr. Bohn said that Oregon has already complied, as there is a bag limit of 25.

Mr. Anderson noted that the HMSAS recommendation was for the Council to ask states set recreational bag limit for HMS, his point was that, as Washington does not currently have a bag limit, WDFW would discuss the issue with Washington state recreational fishers.

I. Coastal Pelagic Species Management

I.1. Coastal Pelagic Species FMP Amendment 9: Bycatch, Squid Maximum Sustainable Yield, Tribal Fishing Rights

I.1.a. Agendum Overview

Mr. Waldeck provided a review of this agenda item and the information in the briefing book. He noted that in June 1999, NMFS partially approved Amendment 8 to the Northern Anchovy FMP, now titled the Coastal Pelagic Species Fishery Management Plan. NMFS had disapproved bycatch provisions and lack of an MSY designation for market squid. The CPSMT and CPSAS developed Amendment 9 to address those disapproved portions of the CPS FMP. Amendment 9 includes alternatives for monitoring and reducing bycatch, and determining an MSY proxy for market squid. Amendment 9 also includes provisions for

considering Treaty Indian fishing rights. In June 2000, the Council adopted Amendment 9 for public review. At that time, preferred alternatives for monitoring and reducing bycatch were selected by the Council. Preferred alternatives for determining squid MSY and ABC, and considering Treaty Indian fishing rights have not been identified by the Council. Today's action is Council adoption of Amendment 9.

Mr. Waldeck noted that Dr. Kevin Hill and Ms. Marci Yaremko were on hand to review Amendment 9 with the Council.

I.1.b. Report and Comments of Advisory Bodies

SSC

Ms. Cindy Thomson presented the SSC report:

The Scientific and Statistical Committee (SSC) reviewed the calculation of squid maximum sustainable yield (MSY) contained in amendment 9 to the coastal pelagic species fishery management plan. The approach extrapolates historic California landings to the entire West Coast based on percentages of area fished and the coastwide distribution of squid in trawl samples. We are concerned about the accuracy of this approach. On the one hand, the extrapolation method used for California may overestimate the amount of squid, because it assumes occasionally fished areas are as productive as heavily fished areas. On the other hand, this method may underestimate the amount of squid, because it assumes that no squid occurs in areas where no fishing occurs. We also do not know how well the incidental catch of squid in various trawl surveys represents the actual distribution of squid coastwide. Because of the uncertainties surrounding these extrapolations and our ongoing concern regarding the appropriateness of defining MSY for this species, we cannot recommend an MSY value at this time.

Fortunately, research being conducted on squid life history, abundance, and distribution in California is expected to provide significant new information within the next year. We recommend that the SSC work with the National Marine Fisheries Service and California Department of Fish and Game to organize a stock assessment workshop next year to integrate the ongoing squid research in California into the Council's management plan. This workshop should also address how the concept of MSY relates to a species that is short lived and whose abundance/availability is largely environmentally determined.

For near term management purposes, the SSC discussed the known characteristics of the squid fishery with members of the Coastal Pelagic Species Management Team. We made three observations about the fishery. First, it has taken place in the same areas near Monterey and in Southern California for decades. Second, catch is dramatically reduced by the occurrence of El Niños, but catches rebound rapidly from very low levels. Third, significant spawning activity takes place in areas that are not fished. Given these characteristics, we believe the resource will not be adversely affected by a delay in setting MSY until after the recommended workshop is completed.

CPSAS

Mr. John Royal presented the CPSAS report:

The Coastal Pelagic Species Advisory Subpanel (CPSAS) has discussed proposed changes to Amendment 9 regarding bycatch, squid maximum sustainable yield (MSY), and tribal fishing rights language. The CPSAS has the following recommendations:

- 1. Bycatch: The CPSAS voted unanimously to support option 3 (recommend dockside monitoring programs) and option 4 (evaluate the use of grates). The CPSAS was evenly divided on option 2 (recommending observers on all new fisheries north of Pigeon Point).*
- 2. Squid MSY: The CPSAS voted unanimously to defer establishing an MSY for squid until the State of California completes their ongoing research.*

3. *Tribal Treaty Fishing Rights Language: The CPSAS voted unanimously to include language in Amendment 9 regarding tribal treaty rights that mirrors the language adopted by the Council for Amendment 11 to the Groundfish Fishery Management Plan. The language is attached.*

The CPSAS also discussed extending term limits for advisory panel members which comes up later today on the agenda. The CPSAS supports extending term limits from two years to three years.

I.1.c. Public Comment

Mr. Will Zyderman, Point Reyes Bird Observatory
Ms. Karen Reyna, Pacific Ocean Conservation Network, Oakland, California
Ms. Heather Munro, West Coast Seafood Processors Association, Portland, Oregon

I.1.d. Council Action: Consider Final Adoption of Plan

Ms. Wolf asked about the CPSAS recommendation regarding the language for the treaty Indian fishing rights and asked Ms. Cooney to elaborate on the difference between the language in Amendment 9 and in the groundfish FMP. Ms. Cooney said there are two segments of the language in the amendment regarding treaty fishing rights, one is the description of fishing rights – this satisfies the requirement in the statute that fishery management plans describe treaty fishing rights, which is the basis for the description in the amendment. She noted that broader descriptions tend to be better and provide a more thorough understanding of the particular treaty Indian fishing rights. The second part is the framework for how regulations would be developed – the FMP has two options, i.e., (1) put the regulations in the FMP or (2) authorize the regulations and proceed with implementation.

Mr. Anderson, on WDFW's proposal, Exhibit I.1.b, Supplemental WDFW Report 1. The concern is the way the "conservation necessity principal" was represented. He pointed to Exhibit I.1.b, which proposes alternative language. Since this language was drafted, WDFW discussed the matter with the attorney general office of Washington and NOAA GC. WDFW will be proposing at the appropriate time a slight modification to the language proposed in exhibit I.1.b – he described for the Council the suggested change to Exhibit I.1.b.

Mr. Harp asked about the discussions between legal counsel referenced by Mr. Anderson, he wanted to know if tribal lawyers were consulted. Mr. Anderson spoke to this, he does not know if the author of the language in the amendment discussed it with the tribal attorneys. He did not know if tribal counsel had been consulted. Ms. Cooney said when NOAA-GC first drafted the language, it was circulated to tribal attorneys and Washington and Oregon state attorneys general. She noted that WDFW's proposed changes are pretty minor. The WDFW proposal eliminates one issue, which came up at the meeting between Washington and NOAA-GC. She was uncertain if Ms. Beth Mitchell of NOAA GC consulted with the tribes on the WDFW language. Mr. Harp noted his concern about legal language that involves the tribes, he asked that the tribal counsel review the language before it becomes the final amendment. He would like to work with the Washington and Oregon attorneys general, NOAA-GC, and appropriate tribal attorneys.

Mr. Bohn noted that Council action on this item was to consider final adoption of Amendment 9. He noted that, because of the suggestion to delay action on squid MSY, final adoption would not occur at this meeting. Therefore, on treaty Indian fishing rights, he would not be prepared today to approve or vote for the tribal fishing language whether it be the federal language or the modified material from Washington.

Mr. Waldeck clarified Potential Council action, noting the SSC statement focused specifically on squid and their discomfort in establishing a definition of MSY at this time; the Council has established preferred alternatives for the bycatch provisions in the amendment. He offered that the Council may want to act on specific provisions in Amendment 9, and not act on others. Mr. Bohn asked NMFS if a piecemeal approach was more complicated than providing a complete amendment. Mr. Fougner said in this case, the bycatch provisions are not a complex issue; to the extent the Council can address finalizing parts of the amendment, he supports final action.

Ms. Wolf moved to adopt Amendment 9 to the CPS FMP Exhibit I.1, Attachment 1, including the bycatch with the preferred options as noted (Options 2, 3, and 4) and including the section on treaty Indian fishing rights.

She included the changes to Appendix C as specified in supplemental CDFG comment and include a recommendation to the CPSMT to work with the CPSAS to make modifications to the language in section 4.2.1 about bycatch in reduction fisheries; the motion does not include the section on OY or MSY for market squid. Mr. Don Hansen seconded the motion. (Motion 26)

Ms. Wolf noted that for market squid, it may not be practical to go forward with OY/ABC definitions at this time. Her preference is to defer OY/MSY for squid until later. She noted that California is in the process of developing management recommendations for the squid fishery, which included studies to develop a management approach for squid. The research committee from CDFG meets next week, and hopes to use the results of the research to craft a management scheme for the market squid fishery. CDFG is scheduled to submit squid management recommendations to the legislature by April 2001. She agreed with the SSC's offer to convene a workshop with NMFS and CDFG focused on market squid stock assessment, especially for incorporating the CDFG research into Council management of CPS. Her expectation is that CDFG could provide recommendations for the CPSMT to develop MSY for market squid by the June 2001 meeting. She also noted in response to the public comment that California Fish and Game Commission has the authority for interim squid management, and will act accordingly until a plan is adopted by California. She suggested including a statement in Amendment 9 that squid MSY was considered, but is not included in Amendment 9; it will be analyzed in a separate FMP amendment.

Mr. Anderson said WDFW provided a supplemental description of the sardine fishery in Washington, which they proposed be added to Appendix C, Ms. Wolf and Mr. Hansen accepted that as a friendly amendment.

Mr. Anderson, on the bycatch portion on page 5, section 4.3 – does the motion include #2, which is recommend that agencies develop a observer program for all new fisheries North of 39 degrees? Ms. Wolf said yes, the Council identified that as a preferred option at the June meeting.

Mr. Fougner said, as a friendly amendment, does the motion include direction to staff to work with NMFS and states to clean up language and incorporate the editorial comments. Both the seconder and maker of the motion agreed.

Mr. Anderson, on the discussion of treaty Indian rights, he agreed with the opinion from NOAA GC that the description in the groundfish FMP needs to be expanded; but noted it was also important for the states and tribes affected to be in agreement with the language. He would like to include a mechanism for ensuring the affected parties were in agreement on the treaty Indian fishing rights language before Amendment 9 was submitted to the Secretary of Commerce for approval. Ms. Wolf concurred with that, so did Mr. Hansen.

Mr. Harp concurred with Mr. Anderson's suggestion. He feels the language in the draft now is necessary, it captures the situation, there is only one clause in the language not agreed to. Mr. Anderson wanted to make sure that the attorneys involved are all comfortable with the treaty fishing language. Mr. Bohn said that Oregon can agree with those terms.

Mr. Fougner asked for clarification on the motion, did you make a recommendation for a preferred alternative in the treaty Indian fishing rights section? Ms. Wolf said she did not make a recommendation on that. Mr. Harp on section 6.2, he said he believes that the tribes would prefer alternative 2 at this time. Ms. Wolf and Mr. Hansen noted this as a friendly amendment.

Mr. Waldeck asked for clarification about what was tribal fishing language the maker of the motion intended to include in amendment 9. Ms. Wolf noted her intention was to use the current language in the amendment, but was open to suggestions.

Mr. Anderson said he thought we were adopting the language in the original document. He clarified that he did not request adding WDFW proposed tribal fishing language as a friendly amendment.

Mr. Waldeck clarified that the first friendly amendment from Mr. Anderson referred specifically to Appendix C in Amendment 9 (state approaches to bycatch) and the inclusion of supplemental WDFW comment 2. The second friendly amendment was for consideration of a process to ensure agreement amongst the parties to

the language pertaining to treaty Indian fishing rights before the amendment was submitted to the Secretary of Commerce.

Mr. Anderson clarified that the motion is to adopt the amendment, with a description of the Washington sardine fishery added to Appendix C, then add process to ensure the legal representatives from the affected parties would consult and agree with the proper tribal language.

Motion 26 passed.

ADJOURN

The Council was adjourned at 2:06 p.m., on Friday, September 15, 2000.

Jim Lone, Council Chairman

Date

DRAFT VOTING LOG
Pacific Fishery Management Council
September 11-15, 2000

MOTION 1: Approve the agenda (no changes).

Moved by: Jim Harp
Motion 1 passed.

Seconded by: LB Boydston

MOTION 2: Approve the April and June 2000 minutes with the following corrections:

For the April minutes, page 24, item D.12.f., fourth paragraph states that Mr. Brown did not support the motion, but he in fact did. On page 41, under Agenda Item C.4.c. Mr. Harp noted the paragraph which states "Tulalip tribes met with the...." should be reworded to say "the Tulalip tribes hosted a meeting of the tribal and states managers". Also, in the April voting log, the second sentence in motion 29 should read "May 1 thru June 30, and a 5,500 chinook subquota.....".

For the June minutes, page 27 says Mr. Brown disagreed with Mr. Anderson, but he did agree with Mr. Anderson on the issue. Mr. Robinson noted that on page 56, it reads "Mr. Fougner directed the CPSMT to review..." the word "directed" should be changed to say "requested".

Moved by: Jim Harp
Motion 2 passed.

Seconded by: Ralph Brown

MOTION 3: Include marine reserves as a management tool for West Coast groundfish fisheries.

Moved by: Phil Anderson
Motion 3 passed.

Seconded by: Patty Wolf

MOTION 4: Request a report from a derivative from HSG and the ad-hoc marine reserves committee and in that report identify the work tasks required to carry out the tasks and if the Council adopts the strategic plan, and forms an implementation committee, have those two groups come together to put together an "assessment report" with the appropriate priorities identified. Mr. Anderson seconded the motion.

Moved by: Neal Coenen
Motion 4 passed.

Seconded by: Phil Anderson

MOTION 5: Send the proposed letter concerning research in the Heceta Bank area with some minor editing by Chairman Lone.

Moved by: Ralph Brown
Motion 5 passed.

Seconded by: Don Hansen

MOTION 6: Relative to the Pacific Halibut Catch Sharing Plan, adopt for public review the recommendations of WDFW as presented in Exhibit D.3.b, Supplemental WDFW Report, September 2000.

Moved by: Phil Anderson
Motion 6 passed.

Seconded by: Bob Alverson

MOTION 7: Approve the Draft Research and Data Needs document incorporating additional comments as provided by the SSC and the Draft West Coast Ecomomic Analysis for public review.

Moved by: LB Boydston
Motion 7 passed.

Seconded by: Phil Anderson

MOTION 8: Adopt the Groundfish Strategic Plan with the following revisions:

*Rename committee as the "Implementation Oversight Committee"

*Section III.A.1.(b.) - p. 67, Add after number 2:

3. At its discretion, the Implementation Oversight Committee may establish small implementation development teams to develop specific alternative(s) for implementing the elements of the Strategic Plan. The implementation development teams will be comprised of subpanel members from the GMT, GAP, SSC, EC, and members of the public as deemed necessary by the Implementation Oversight Committee.

*Include changes proposed by the Habitat Steering Group in the Pacific Groundfish Habitat section recommendation number 2, and add recommendations as proposed (see Exhibit G.2.d, Supplemental HSG Report). Do not include the last recommendation the HSG made on their report.

Moved by: Phil Anderson
Motion 8 passed.

Seconded by: Bob Alverson

MOTION 9: Adopt the transmittal to Secretary of Commerce Mineta for the Strategic Plan Document as shown in Exhibit G.2.f, Draft Council Adoption Letter.

Moved by: Ralph Brown
Motion 9 passed.

Seconded by: Bob Alverson

MOTION 10: Preliminarily adopt the canary rockfish analysis based on scenario one, with the resampling recruits per spawner as indicated on the bottom row of scenario one on page 14 Exhibit G.4, Attachment 3, (47% rebuilding probability estimate) includes an annual catch of 40 mt plus 10 mt for the southern area (20% of the coastwide total).

Moved by: Phil Anderson
Motion 10 passed.

Seconded by: Bob Alverson

MOTION 11: Adopt for preliminary review the cowcod rebuilding plan developed by Tom Barnes and John Butler with the specific rebuilding target shown on page 8, under median 1998 biomass and assuming an F level of .01 and also add to the document the management measures that are likely needed to affect that rebuilding:

1. area closures

2. harvest of associated species
3. apply incidental or zero retention of the species through out the rebuilding period.

Include a footnote in the document that they will have a baseline study done of the Conception area to the U.S./Mexico Border.

Moved by: LB Boydston Seconded by: Jim Caito
Motion 11 passed.

MOTION 12: Reconsider Motion 10.

Moved by: LB Boydston Seconded by: Phil Anderson
Motion passed.

MOTION 13: Amend Motion 10 using Exhibit G.4.to set 40 mt as the guideline for the northern portion of the stock and 20 mt for the southern portion, but to operate under a coastwide total of 60 mt. There would be no range.(Motion 13)

Moved by: LB Boydston Seconded by: Don Hansen
Motion passed.

MOTION 14: For public review, adopt the ABCs and OYs, as indicated in Supplemental Revised Attachment 1, with the following amendments:

- Lingcod – OY 611 mt
- POP – OY would be 626 mt (in place of the range)
- Widow – leave as a range
- Canary – 60 mt OY
- Chilipepper – ABC total would be 2,700 mt
- Longspine – ABC and OY would be 2,461 mt
- Cowcod – OY 2.4 mt
- Darkblotched – OY would be 95 mt
- Dover Sole, English Sole, and the other flatfish, the bolded numbers of 7,677 mt, 2,693 mt, 2,567 mt, 5,046 mt; and 6,699 mt would be the ABCs for these species.

Moved by: Phil Anderson Seconded by: Jim Harp
Motion 14 passed.

MOTION 15: For Tribal groundfish fisheries other than Pacific whiting and halibut, adopt for public review the proposed limits as outlined in the Tribal proposal G.6.c. for the 2001 fisheries.

Moved by: Jim Harp Seconded by: Phil Anderson
Motion 15 passed.

MOTION 16: For tribal Pacific whiting fisheries, adopt for public review a tribal set aside of 32,500 metric tons for the 2001 fisheries.

Moved by: Jim Harp Seconded by: Phil Anderson
Mr. Neal Coenen abstained from the vote.

MOTION 17: Set the joint venture processing and total allowable level of foreign fishing to zero.

Moved by: Bill Robinson
Motion 17 passed.

Seconded by: Don Hansen

MOTION 18: Approve the options and analysis for public review as shown in Exhibit G.7, Attachment 1 with the following additions, page 1, bottom paragraph, second line "larger producer" should say "as to allow producer" – strike word larger; and on page 2 under primary objectives for permit stacking there should be one that addresses National standards 1, 2, and 3 for the primary objectives; and on page 4, update section 1.3.3 to reflect the recent Council action and what is stated in the strategic plan relative to fixed gear sablefish; page 6 Provision 7 – drop "7c"; page 6 – drop Provision "8"; page 5 – under Provision 3 add a provision to look at ownership restrictions – the five percent that the GAP suggested; permits on page 14 – clarification of the discussion of what an owner is – based on Seger's comments; page 21 the Section 3.3.x, risk of foreign control, add a provision that requires the owner to be a U.S. citizen. Then add a new provision under enforcement that would require a 6-hour prior notice of landing of a stacked quota and a requirement that permits that are stacked must notify NMFS in 2001 by June 30 and there after by January 15 that stacking is going to take place. Under the at-sea processing, adopt a provision by the GAP to grandfather people in as at-sea processors based on 1998, 1999 and 2000 landings (see gap statement). Under provision 4, drop option "4b".

Moved by: Bob Alverson
Motion 18 passed.

Seconded by: Phil Anderson

MOTION 19: Adopt for public review and consideration Exhibit G.10.b, CDFG report, with the following clarifications: the proposed closed periods would apply to fixed gear fisheries but not groundfish trawl and exempted trawl, and recreational and commercial fishing from shore would be allowed during the closure periods. With regard to the large area closures in southern California, there may be a provision to allow retention of slope rockfish by fixed gear sablefish fisherman by either depth fishing restrictions or time/area closures. The status quo regulations are understood to be part of the package, this is additional regulation considerations. Also include the proposals put forth by WDFW and ODFW for the recreational fisheries.

Moved by: LB Boydston
Motion 19 passed.

Seconded by: Roger Thomas

MOTION 20: Adopt the alternative ways to credit discards in the sablefish fixed gear and trawl fisheries in Exhibit G.10, Supplemental GMT Report 2 dated September 2000: options 2001b, 2001c, and 2001d. Include a report of the chronological actions the Council has taken in sablefish trawl and fixed gear.

Moved by: Bob Alverson
Motion 20 passed.

Seconded by: Don Hansen

MOTION 21: Referring to the Allocation Committee Report G.4. and the GAP Report Exhibit G.10.b., send out the following measures for 2001 for public review and analysis. Working from the Allocation Committee Report, page 3, each limited entry vessel may be allowed to harvest groundfish during 2 two-month periods during the fishing year – a period will consist of two consecutive calendar months. One period must be selected during the first six months of the year, and one during the second five months of the year. The two month period starts when the vessel makes a landing in any given month. Additional opportunities will be in December, which will be a default period of the entire limited entry fleet. Option 2 would be to pick 3 months in the first 6 months, then 2 months for the next 5, and December. The open access

fishery would be open from April through September (a six month fishing period). In addition to those two alternatives, working from GAP report, divide the season into two cumulative limit periods. The status quo is to be analyzed by the GMT to show reductions and trip limits necessary to achieve the 2001 OY targets. Also include in the motion a recommendation to the states that they require fish excluders.

Moved by Phil Anderson
Motion 21 passed.

Seconded by: Bob Alverson

MOTION 22: Initiate a regulatory amendment to modify the permit transfer regulations as included in the Supplemental GAP Report G.8 and the three recommendations by NMFS.

Moved by: Bob Alverson
Motion 22 passed.

Seconded by: Ralph Brown

MOTION 23: For limited entry fixed gear fisheries south of Pt. Conception have an option similar to limited entry fixed gear to the north but a year-round opportunity for slope groundfish, specifically under this option the fishery for shelf and nearshore species would be closed during January, February, November and December, or corresponding to the recreational closures in that area; have a primary fishery for shelf and nearshore April through September and a small nearshore during the remaining months of 500 pounds. For slope groundfish (rockfish and sablefish), there would be a year-round opportunity. Include in the option a footnote to the recreational options adopted, that if 2000 recreational landings of canary rockfish are excessive, further restrictions need to be applied.

Moved by: LB Boydston
Motion 23 passed.

Seconded by: Roger Thomas

MOTION 24: Adopt Exhibit G.11, Supplemental GMT report, September 2000 with the following modifications: for limited entry, fixed gear for minor nearshore rockfish south, instead of 6,000 pounds for two months – change it to 9,000 pounds for September-October. For November -December, change it from 6,000 pounds to zero or 3,000 pounds depending on closure in the recreational fishery in that area for rockfish and lingcod. For open access minor nearshore, where it says proposed for September -October, 4,000 pounds– change it to 6,000 pounds and then for November -December. Make it zero or 2,000 pounds, depending on closure in the recreational fishery in that area for rockfish and lingcod. Those changes would correspond to changes in regulations for recreational fisheries south of Conception. No recreational closure is anticipated between Conception and Cape Mendocino.

Moved by: LB Boydston
Motion 24 passed.

Seconded by: Jim Caito

MOTION 25: Send another letter to the California Fish and Game Commission to take action at its next meeting to control the recreational catch of lingcod (use same letter as last time, but enclose data used at this meeting).

Moved by: LB Boydston
Motion 25 passed.

Seconded by: Don Hansen

MOTION 34: Abolish the north and south habitat panels.

Moved by: Phil Anderson
Motion 34 passed.

Seconded by: Ralph Brown

MOTION 35: Expand the membership of the GAP by adding one open access position, bringing the total open access positions to two. These positions require one person north of Cape Medocino and one person south of Cape Mendocino.

Moved by: LB Boydston
Motion passed.

Seconded by: Don Hansen

MOTION 36: Add a seat for a tribal fisherman to the GAP.

Moved by: Phil Anderson
Motion 36 passed.

Seconded by: Bob Alverson

MOTION 37: In order to balance the representation on the HMSAS between the commercial and recreation sectors convert one of four commercial at-large positions to an at-large recreational seat.

Moved by: LB Boydston
Motion 37 passed.

Seconded by: Don Hansen

MOTION 38: The Council agreed to modify page 2 of COP 2 under "Alternates" to allow an alternate to be paid expenses once each year as long as prior notification is provided in writing to the executive director.

Moved by: Burnie Bohn
Motion 38 passed.

Seconded by: Phil Anderson

MOTION 39: Approve the Budget Committee Report.

Moved by: Hans Radtke
Motion 39 passed.

Seconded by: Ralph Brown

